

**CHARTER TOWNSHIP OF ELMWOOD  
ZONING BOARD OF APPEALS  
REGULAR MEETING**

Wednesday September 4, 2024 at 6:30 PM

Location: Township Hall (10090 E. Lincoln Rd., Traverse City, MI)

**ZBA Members:**

Gary Bergstrom, Chair

Jeff Aprill, Vice-Chair

Jim O'Rourke, Secretary

Jeff Beamsley

Bryan Currie

Randy Baidas-Alternate

- A. Call to order - 6:30 pm
- B. Roll Call
- C. Public Comment (Speakers to identify themselves by name and address, limited to 3 minutes each)
- D. Agenda Modifications/Approval
- E. Declaration of Conflict of Interest: *(Items on the Agenda)*
- F. Approval of Minutes: May 1, 2024 (re-approve with corrected start time) and August 7, 2024
- G. New Business:
  - 1. Case #2024-03. Request by Roger Landis regarding property at 10989 S West-Bay Shore Dr, Parcel #45-004-016-040-00 for an 18' front yard setback variance to construct front porch. Proposed front porch would not encroach further into front setback than existing home.
- H. Old Business:
- I. Comments from the Chair
- J. Comments from ZBA Members
- K. Announcements
- L. Public Comment (Speakers to identify themselves by name and address, limited to 2 minutes each)
- M. Adjourn - 9:00 pm or majority vote to extend meeting



**Charter Township of Elmwood  
Zoning Board of Appeals Special Meeting  
Elmwood Township Hall (10090 E Lincoln Rd)  
May 1, 2024 at ~~7:00~~6:30 PM**

**A. CALL TO ORDER:** Gary Bergstrom called the meeting to order at 6:30 p.m.

**B. ROLL CALL:** Jeff Beamsley, Jeff Aprill, Jim O'Rourke, Gary Bergstrom  
Excused: Bryan Currie, Randy Baidas

**C. PUBLIC COMMENT:** None

**D. AGENDA MODIFICATIONS:** *MOTION BY JIM O'ROURKE, SECONDED BY JEFF APRILL TO APPROVE THE AGENDA AS PRESENTED. MOTION APPROVED 4-0*

**E. DECLARATION OF CONFLICT OF INTEREST:** None

**F. APPROVAL OF MINUTES: January 3, 2024:** *MOTION BY JIM O'ROURKE, SECONDED BY JEFF BEAMSLEY TO APPROVE MINUTES OF JANUARY 3, 2023~~4~~ AS PRESENTED. MOTION PASSED UNANIMOUSLY.*

**G. NEW BUSINESS: Cases #2024-01 and #2024-02. Requests by Daniel and Silvia Ortega regarding property at 10195 S. West-Bay Shore Dr., Parcel #45-004-016-014-00. Case #2024-01 is for a 12' front yard setback variance to construct front entry and Case #2024-02 is for a 9' side setback variance to alter existing nonconforming garage to replace roof trusses and construct storage space above existing garage.**

Sarah Clarren, Zoning Administrator, noted that she did send additional documents to the Board yesterday after she received a revised plan that shows the drainage is going to remain on site. The record card shows the structure was constructed in 1968, a year before the Township adopted their Zoning Ordinance. Also attached to the plan is the underground French drain. She understands the ZBA is not approving any drainage plan, but the reason behind the request is regarding drainage, they want to make sure they're not causing adverse impacts to the adjacent properties.

Rebecca Fessler with Prestige Construction stated the front entrance initially was along the front of the house and on the plans where the drainage is now, it takes the water that was by the front door, and wraps it around the house and the back of their property slopes down into the water. There's a little alcove that goes back from their garage to their house and they're asking to build the front entryway there. It will come out to the front of the house and go over to the garage.

Jeff Beamsley asked if the current driveway is the same as when the owners purchased the house. Rebecca replied, it is.

Jeff Aprill asked if this would be raised do you then step down into the house. Rebecca responded, no, and the topography of the house by the garage allows them to push the water away so they'll no longer have standing water.

Jeff Aprill referred to the plans and said, this is what you're proposing and it sticks out. Rebecca replied, it's only built to the front of the house. The columns are the only thing that would go out beyond that. Jeff said the columns would still be considered a structure, so they'd have to measure to those.

Clarren thanked Jeff for bringing that to their attention, because that was not included in the plan that was provided with the application and therefore not included with the notice that was published. The ZBA, unless they want to readvertise, will not be approving the columns or the overhang that further encroaches into the front yard setback. That was part of her issue with [Fessler's] partner because she received multiple different plans with land use applications and the ZBA application, so when she received the revised drainage plan, it was just supposed to show drainage. But it also shows the column posts which are not included in the request for the ZBA.

Rebecca stated that the owners are willing to remove the columns from their plans. They also said they're not going to go with the full 2-stories.

Daniel Ortega commented, because of the water issue they're having and the reconstruction of the house in the entryway, they don't have an entrance way right now, they're going through the garage door, so it is causing a problem. If they can get this settled, with the diagrams not being right, whatever they have to do to get them right, hopefully they can get this project going. He doesn't know if they have to resubmit papers. Clarren said if they want to move forward with how it was advertised, without the awning and the columns, the Board can proceed. Gary Bergstrom said it's a legal notice requirement that the citizens of Elmwood Township are entitled to receive so they know what the Board is looking at.

The Board went through Findings of Fact and Conditions of Approval. The Board finds the Standards have been met with no additional findings than what were included in the draft findings of fact. Bergstrom asked the ZBA if they have any issue of the expansion of a non-conforming use. Clarren replied, the expansion of a non-conforming structure, that one text that was taken directly from the Zoning Ordinance, there's facts that support that they Board has already approved.

*MOTION BY JEFF APRILL, SECONDED BY JIM O'ROURKE TO APPROVE APPLICANT'S VARIANCE REQUESTS FOR 10195 S WEST-BAY SHORE DRIVE BASED ON THE PREVIOUSLY ADOPTED FINDINGS OF FACT, WITH CONDITIONS. CONDITIONS: 1) PRIOR TO ISSUANCE OF A LAND USE PERMIT, EVIDENCE OF COMPLIANCE WITH SOIL EROSION REQUIREMENTS SHALL BE SUBMITTED TO THE TOWNSHIP. 2) THE VARIANCE REQUEST CENTERS AROUND*

A SOLUTION ~~FO-TO~~ FIX RUNOFF ISSUES ON THE LOT. THESE RUNOFF ISSUES SHALL NOT BE DIVERTED TO ADJACENT PROPERTY OR THE ~~THEIR~~RIGHT-OF-WAY. 3) PLAN WITH COLUMNS AND OVERHANG HAVE NOT BEEN APPROVED UNDER THIS PLAN. ROLL CALL VOTE: JEFF BEAMSLEY-YES, JIM O'ROURKE-YES, JEFF APRILL-YES, GARY BERGSTROM-YES. MOTION APPROVED.

**H. OLD BUSINESS:** None

**I. COMMENTS FROM THE CHAIR:** None

**J. COMMENTS FROM ZBA MEMBERS:** Jeff Aprill said it's good to see them all again. Thanks for being here.

Jim O' Rourke thanked Clarren for the copious amount of paperwork. It helps the Board and public understand.

**K. ANNOUNCEMENTS:** Clarren sent emails about online trainings to the Board.

**L. PUBLIC COMMENT:** None

**M. ADJOURN:** MOTION BY JIM O'ROURKE, SECONDED BY JEFF APRILL TO ADJOURN MEETING AT 7:08 PM. MOTION PASSED.



**Charter Township of Elmwood  
Zoning Board of Appeals Special Meeting  
Elmwood Township Hall (10090 E Lincoln Rd)  
August 7, 2024 at 6:30 PM**

- A. CALL TO ORDER:** Gary Bergstrom called the meeting to order at 6:34 p.m.
- B. ROLL CALL:** Bryan Currie, Jeff Aprill, Jim O'Rourke, Gary Bergstrom.  
Excused: Jeff Beamsley, Randy Baidas.
- C. PUBLIC COMMENT:** None
- D. AGENDA MODIFICATIONS:** *MOTION BY JIM O'ROURKE, SECONDED BY JEFF APRILL TO APPROVE THE AGENDA AS PRESENTED. MOTION APPROVED 4-0*
- E. DECLARATION OF CONFLICT OF INTEREST:** None
- F. APPROVAL OF MINUTES: May 1, 2024:** *MOTION BY JIM O'ROURKE, SECONDED BY GARY BERGSTROM TO APPROVE MINUTES OF MAY 1, 2024 AS PRESENTED. MOTION PASSED UNANIMOUSLY.*
- G. NEW BUSINESS:** None.
- H. OLD BUSINESS:** None
- I. COMMENTS FROM THE CHAIR:** None.
- J. COMMENTS FROM ZBA MEMBERS:** Jim O'Rourke indicated that he will be seeking re-appointment to the ZBA.
- K. ANNOUNCEMENTS:** Clarren relayed that she is expecting applications and it is likely they will have new business for the next regularly scheduled meeting.
- L. PUBLIC COMMENT:** None
- M. ADJOURN:** *MOTION BY JEFF APRILL, SECONDED BY BRYAN CURRIE TO ADJOURN MEETING AT 6:46 PM. MOTION PASSED.*





Elmwood Charter Township  
10090 E. Lincoln Rd.  
Traverse City, MI 49684

[planner@elmwoodmi.gov](mailto:planner@elmwoodmi.gov)

**NOTICE OF PUBLIC HEARING**  
**ELMWOOD CHARTER TOWNSHIP**  
**ZONING BOARD OF APPEALS**

A Public Hearing is scheduled for Wednesday, September 4, 2024 at 6:30 p.m. before the Elmwood Charter Township Zoning Board of Appeals to consider:

Case #2024-03. Request by Roger Landis regarding property at 10989 S West-Bay Shore Dr, Parcel #45-004-016-040-00 for an 18' front yard setback variance to construct front porch. Proposed front porch would not encroach further into front setback than existing home.

The files may be viewed at the Township Hall during regular business hours, Monday through Friday, 9:00 am to 5:00 pm or online at [www.elmwoodmi.gov](http://www.elmwoodmi.gov).

The public hearing will be held at the Elmwood Township Hall, 10090 E. Lincoln Road, Traverse City. Individuals can make public comment or submit written comments, in person, at the public hearing. Written comments may be submitted prior to the public hearing by mailing them to: Planning and Zoning Department, 10090 E. Lincoln Rd, Traverse City, MI 49684 or [planner@elmwoodmi.gov](mailto:planner@elmwoodmi.gov). Written comments submitted prior to the public hearing regarding these requests will be received until 5:00 pm September 4, 2024.

Individuals planning to attend who require reasonable auxiliary aids should contact Connie Preston, Township Clerk at (231) 946-0921.

Posted: 8/14/2024  
2PM  
Elmwood Township Hall  
Connie Preston, Clerk

# Public Notices For Leelanau County

Notices Past and Present may also be viewed at: **LeelanauNews.com**

## YOUR RIGHT TO KNOW:

Notices printed in newspapers help fulfill the citizen's Constitutional right of due process by law by putting them on notice of matters that affect them or their property.

### Public Notice

Notice to Creditors  
Decedent's Estate  
State of Michigan  
Probate Court  
Leelanau County  
Case No.: 22-13455-DE  
Judge: Hon. Marian Kromkowski  
Estate of Robynn C. Rueckert  
Date of birth: 8/27/1962  
TO ALL CREDITORS: The decedent, Robynn C. Rueckert, died 9/13/2022.

Creditors of the decedent are notified that all claims against the estate will be forever barred unless presented to Mattias Johnson, personal representative, or to both the probate court at 8527 E. Government Center Dr., Ste 203, Suttons Bay, MI 49682 and the personal representative within 4 months after the date of publication of this notice.

8/15/24  
Mattias Johnson  
310 W. Front St., Ste 401  
Traverse City, MI 49684  
231-883-6705

### Public Notice

Notice to Creditors  
Decedent's Estate  
State of Michigan  
Probate Court  
Leelanau County  
Case No.: 24-13675-DE  
Judge:  
Estate of Neal Edward Neese,  
Deceased Date of birth:  
February 16, 1936

TO ALL CREDITORS: The decedent, Neal Edward Neese, died May 3, 2024.

Creditors of the decedent are notified that all claims against the estate will be forever barred unless presented to Michael J. Long, personal representative, or to both the probate court at 8527 E. Government Center Dr., Ste 203, Suttons Bay, MI 49682 and the personal representative within 4 months after the date of publication of this notice.

8/15/24  
Michael J. Long  
411 W. 1st Street  
Suttons Bay, MI 49682  
231-590-4635  
R. Edward Kuhn P24722  
4033 Easter Sky Drive  
Traverse City, MI 49684  
231-947-7900

### Public Notice

Notice to Creditors  
Decedent's Estate  
State of Michigan  
Probate Court  
Leelanau County  
Case No.: 24-13688-DE  
Judge: Hon. Marian Kromkowski  
Estate of Robin Lee Reisen, Deceased  
Date of birth: January 13, 1963

TO ALL CREDITORS: The decedent, Robin Lee Reisen, Deceased, died April 19, 2024.

Creditors of the decedent are notified that all claims against the estate will be forever barred unless presented to Ashley Reisen and Shane Reisen, personal representative, or to both the probate court at 8527 E. Government Center Dr., Ste 203, Suttons Bay, MI 49682 and the personal representative within 4 months after the date of publication of this notice.

8/15/24  
Ashley Reisen and Shane Reisen  
985 W. Nickerson Street, Unit 41  
Seattle, WA 98119

(253) 863-4015  
Kish Dykstra & Scott  
Heather Blanton-Dykstra P60308  
5085 Anna Drive, Suite B  
Traverse City, MI 49684  
(231) 933-6322

## Suttons Bay Township Notice Of Public Hearing Zoning Ordinance Text Amendment

The Suttons Bay Township Planning Commission will conduct a Public Hearing on Tuesday, September 3, 2024 at 6:00 p.m., at the Suttons Bay Township Office, 95 W. Fourth Street, Suttons Bay, MI, 49682, with viewing available via Zoom electronic remote access to review and consider a zoning ordinance text amendment of Articles 11, 8, and 2 to allow for individual Site Condominium lots/units to be created with conditions in the Waste Management Zoning District.

Meeting materials, including the proposed amendment may be reviewed at the Suttons Bay Township Office, 95 W. Fourth Street (Hanson's Plaza), Suttons Bay, MI during regular office hours, and on the township website at: <https://www.leelanau.gov/suttonsbaytwp.asp>.

Public viewing of the Hearing will be available via Zoom. The Zoom link will be posted on the township website at: <https://www.leelanau.gov/suttonsbaytwp.asp>. Members of the public have the opportunity to speak during the public hearing and public comment portions of the meeting. In addition, written comments will be received until 12 pm the day of the hearing by mail or drop-off to Suttons Bay Township, P.O. Box 457, 95 W. Fourth Street, Suttons Bay, MI 49682, by fax to (231) 271-2773, or by email to [clerk@suttonsbaytwp.com](mailto:clerk@suttonsbaytwp.com).

Suttons Bay Township will provide necessary reasonable auxiliary aids and services at the meeting to individuals with disabilities upon 72 hours advanced notice to the Township. Individuals with disabilities requiring auxiliary aids or services should contact the Township Clerk at 231-271-2722 ext. 1, or [clerk@suttonsbaytwp.com](mailto:clerk@suttonsbaytwp.com). Suttons Bay Township Planning Commission

### Public Notice

SHORT FORECLOSURE NOTICE - LEELANAU COUNTY Notice of Foreclosure by Advertisement. Notice is given under section 3212 of the revised judicature act of 1961, 1961 PA 236, MCL 600.3212, that the following mortgage will be foreclosed by a sale of the mortgaged premises, or some part of them, at a public auction sale to the highest bidder for cash or cashier's check at the place of holding the circuit court in Leelanau County, starting promptly at 1:00 PM, on September 18, 2024. The amount due on the mortgage may be greater on the day of the sale. Placing the highest bid at the sale does not automatically entitle the purchaser to free and clear ownership of the property. A potential purchaser is encouraged to contact the county register of deeds office or a title insurance company, either of which may charge a fee for this information. MORTGAGE: Mortgagor(s): Judith M. Davis, a single woman Original Mortgagee; Mortgage (Electronic Registration Systems, Inc. ("MERS"), solely as nominee for lender and lender's successors and assigns Date of mortgage: October 11, 2012 Recorded on October 22, 2012, Liber 1140, on Page 940, Foreclosing Assignee (if any): The Huntington National Bank Amount claimed to be due at the date hereof: Eighty Thousand Two Hundred Twenty-Three and 22/100 Dollars (\$80,223.22) Mortgaged premises: Situated in Leelanau County and described as: Lot 153, Sugar Loaf Charlets No. 3, according to the record plat in Liber 6 of Plats, Page 29, Leelanau County Records, Commonly known as 4193 S Hemlock Rd, Cedar, MI 49621 The redemption period will be 6 months from the date of such sale, unless abandoned under MCL 600.3241a, in which case the redemption period will be 30 days from the date of such sale, or 15 days from the MCL 600.3241a(b) notice, whichever is later; or unless extinguished pursuant to MCL 600.3238. If the above referenced property is sold at a foreclosure sale under Chapter 32 of Act 298 of 1961, under MCL 600.3278, the borrower will be held responsible to the person who buys the property at the mortgage foreclosure sale or to the mortgage holder for damaging the property during the redemption period. Attention homeowner: If you are a military service member on active duty, if your period of active duty has concluded less than 90 days ago, or if you have been ordered to

active duty, please contact the attorney for the party foreclosing the mortgage at the telephone number stated in this notice. The Huntington National Bank Mortgagee/Assignee Schneiderman & Sherman P.C. 23938 Research Dr. Suite 300 Farmington Hills, MI 48335 248.539.7400 1536699 (08-01)(08-22)

## Elmwood Township Zoning Board of Appeals Notice of Public Hearing

A Public Hearing is scheduled for Wednesday, September 4, 2024 at 6:30 p.m. before the Elmwood Charter Township Zoning Board of Appeals to consider:

Case #2024-03, Request by Roger Landis regarding property at 10989 S West-Bay Shore Dr, Parcel #45-004-019-040-00 for an 18' front yard setback variance to construct front porch. Proposed front porch would not encroach further into front setback than existing home.

The files may be viewed at the Township Hall during regular business hours, Monday through Friday, 9:00 am to 5:00 pm or online at [www.elmwood-mi.gov](http://www.elmwood-mi.gov).

The public hearing will be held at the Elmwood Township Hall, 10090 E. Lincoln Road, Traverse City. Individuals can make public comment or submit written comments, in person at the public hearing. Written comments may be submitted prior to the public hearing by mailing them to: Planning and Zoning Department, 10090 E. Lincoln Rd, Traverse City, MI 49684 or [planner@elmwoodmi.gov](mailto:planner@elmwoodmi.gov). Written comments submitted prior to the public hearing regarding these requests will be received until 5:00 p.m. September 4, 2024.

Individuals planning to attend who require reasonable auxiliary aids should contact Connie Preston, Township Clerk at (231) 946-0921.

### Public Notice

Order for Service by Publication/Posting and Notice of Action  
State of Michigan  
Judicial District  
13th Judicial Circuit  
County Probate  
Case No.: 24-11247-GH  
527 E Government Center Dr #203, Suttons Bay, MI 49682  
231-922-4707  
Rebecca Kacznik & Jane Lakritz, Trustees of the Lavern J. Fees Living Trust  
6432 NW Bay Shore Dr Northport, MI 49670  
Lane T. Plamondon (P78276)  
Marshall & Bruce Law Firm, PC  
13872 S. Compass Rose Drive  
Traverse City, MI 49684  
(231) 947-8900

Estate of Joseph Narcisse Plamondon  
Michigan Department of Transportation  
425 W. Ottawa St  
P.O. Box 30050  
Lansing, MI 48909  
State of Michigan c/o Resident Agent, Anita G. Fox, Director  
530 W. Allegan Street, 7th Floor  
Lansing, MI 48226  
TO: DEFENDANTS:  
IT IS ORDERED:

1. You are being sued in this court by the plaintiff to quiet title to and grant title in favor of Plaintiffs for real property located in Leland Township, Leelanau County, Michigan. You must file your answer or take other action permitted by law in this court at the court address above on or before August 5, 2024. If you fail to do so, a default judgment may be entered against you for the relief demanded in the complaint filed in this case.

2. A copy of this order shall be published once each week in the Leelanau Enterprise for three consecutive weeks, for and proof of publication shall be filed in this court.

3. shall postcopy of this order in the courthouse, and at and at, three continuous weeks, for, and shall file proof of posting in this court.

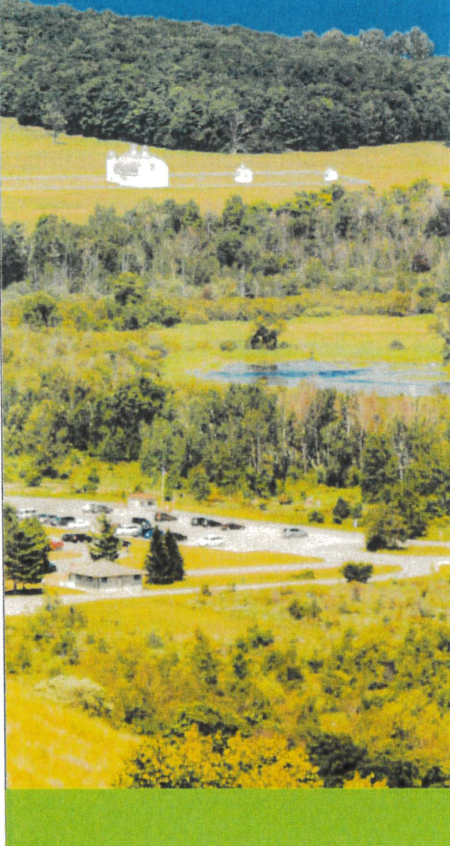
4. A copy of this order shall be sent to the Michigan Department of Transportation and State of Michigan at last known address by registered mail, return receipt requested before date of the last publication and the affidavit of mailing shall be filed with this court.

8-8-24  
Charles M. Hamlyn, Circuit Court Judge, P74133  
MC307 (9/09) Order for Service by Publication/Posting and Notice of Action MGR 2.106, MGR 5.101 (G)

LEELANAUNews.com

# Heading Home?

Take a little of Leelanau with you.



## Leelanau Enterprise

Name \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Email \_\_\_\_\_

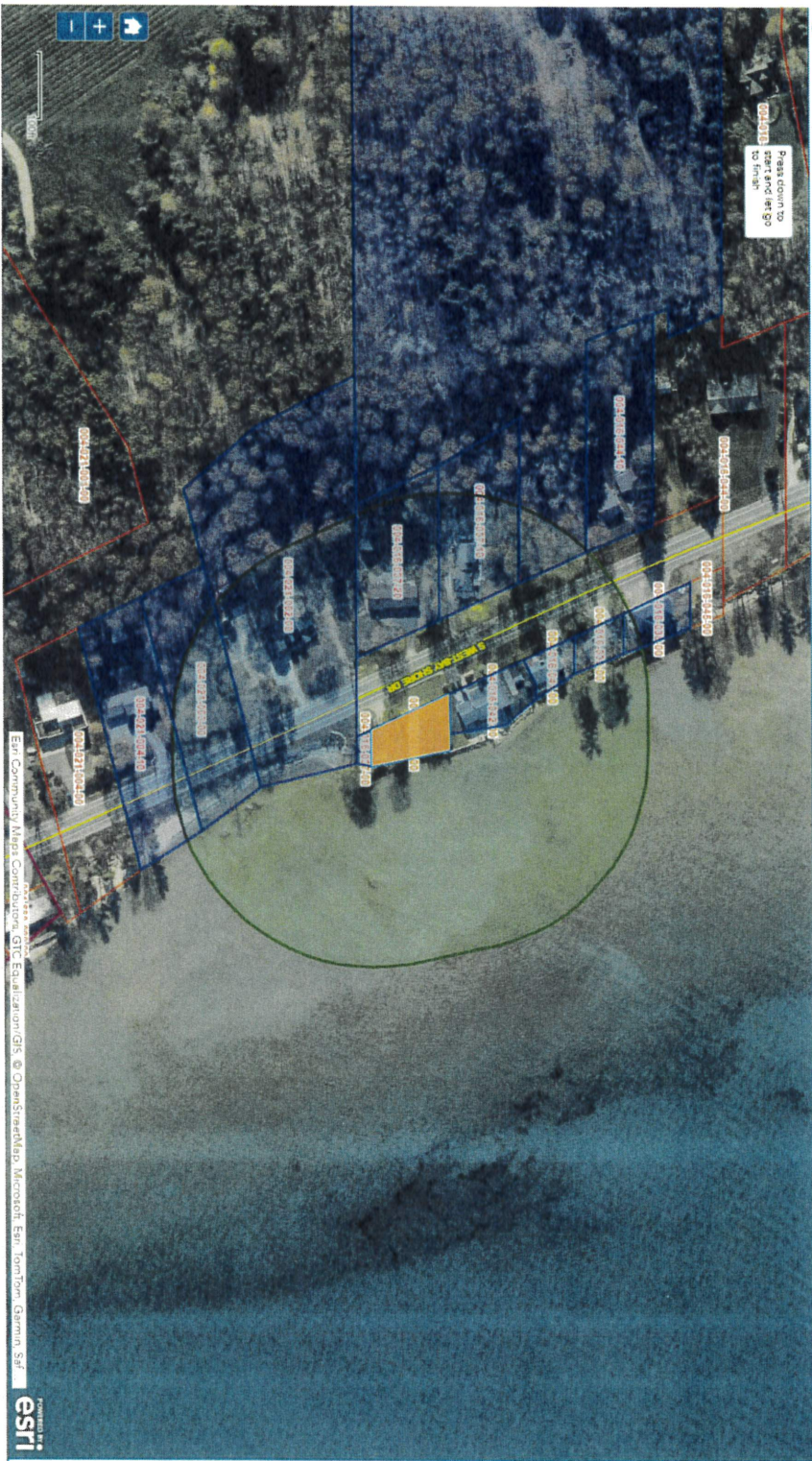
**Subscription Rates:** **\$53.00 IN Leelanau County**  
 New **\$65.00 Benzle/Grand Traverse counties**  
 Renewal **\$71.00 ALL OTHER PLACES**  
**\$51.00 ONLINE only**

Mail or deliver payment to: Leelanau Enterprise  
7200 E. Duck Lake Rd. • Lake Leelanau, MI 49653

Call (231) 256-9827

for Visa, Mastercard, Discover or American Express payment.

www.leelanaunews.com



Esri Community Maps Contributor, GTC Equalization, GIS, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, S&P



### Mailing Label Creator

Select or search for a feature on the map  
004-016-010-00

Select  Clear

Apply a search distance  
300 Feet

Address(es) - Layer  
Tax Parcel(s) - Mailing Address

Format  
PDF label 1 x 4 inches, 20 per page

12 addresses found. Do you want to continue?

[Download](#)

004-016-040-00  
Show search results for 004



S WEST BAY SHORE DR

22

004-016-042-00

83.3'

128.5'

20' X 12'

004-016-040-00

004-016-037-00

54.7'

119.3'

7/29/29

Coated Plywood  
K 4" V

16'  
Drip  
PAD

16'  
Drip  
PAD



enVI

RIM

call  
1024  
178V  
81V

115  
TOWN RD  
29  
SHER  
TOWERS

Farm

Roof

Tax Parcel Viewer Leelanau County Michigan

lands

Show search results for lan

X Q

004 016 042 00

Measure

Feet (US)

Measurement Result  
12.3 Feet (US)

Clear

Handwritten note: 2x4 x 8' treated plywood

JIM

Average Highway Sales Price

MINUTES

environmental

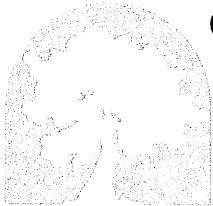
CE  
fa  
10  
tr  
en

no  
mon  
2029

Point-Bank  
Site #1, No  
077

no  
id, name





## CHARTER TOWNSHIP OF ELMWOOD

### Planning and Zoning

10090 E. Lincoln Rd, Traverse City, MI 49684

(231) 946-0921 Fax (231) 946-9320

Email: [planner@elmwoodtownship.net](mailto:planner@elmwoodtownship.net)

### Zoning Board of Appeals

#### Application

Applications will not be accepted unless containing all the following information:

- 1) Completed application form with owner's signature
- 2) A scaled drawing, if applicable, with sufficient detail to indicate the nature and necessity of the request.
- 3) Cover Letter describing the request
- 4) Payment of an application fee (\$650)
- 5) Signed Escrow Policy with \$500 escrow (if found necessary by Planner or ZBA; any and all unused escrow funds will be returned per the escrow agreement)

Applications are to be submitted 45 days prior to the Zoning Board of Appeals meeting. Regular meetings are the 1<sup>st</sup> Wednesday of the Month.

Please note that no application shall be accepted for a use variance, or any other request that would effectively grant a use variance, as consideration of such a variance is not permitted under the Elmwood Township Zoning Ordinance.

Charter Township of Elmwood  
Zoning Board of Appeals Application

**Property Information (if applicable):**

Property Address: 10989 S West- Bay Shore Dr Traverse City

Parcel Number: 45-004-016 - 040 - 00 Zoning District: Elmwood Twp

Project Name or Title: Porch overhand for Landis residence

**Applicant**

**Owner (if different)**

Roger Landis

\_\_\_\_\_

Name

Name

10989 S West Bay shore drive

\_\_\_\_\_

Street Address  
Traverse City Mi 49684

Street Address

City State Zip

City State Zip

Phone Number

NA

Phone Number

Email Address

Email Address

**Contact Person (All communications from the Township will be sent to this individual regarding the submitted application)**  Applicant  Owner

**Type of Request:**  Variance  Interpretation  Appeal (attach decision)  Other

Section(s) of Ordinance seeking Variance from or Interpretation on: Section 5.6

Required Dimension in Ordinance Set back of 30 feet

Amount of Variance Requested from Required Dimension: 18 feet

Previous Appeal Requests (Date, Request, Decision): none

Other Information to explain request: Habitat for Humanity would like to cover the entrance for the of the home for the safety of the homeowner who is a disabled veteran.



**Dimensional Variance Approval Criteria. If you are applying for a dimensional variance, please answer, in detail, how your project meets the following standards of approval from the Zoning Ordinance:**

- a. Will this request be contrary to the intent and purpose of the Zoning Ordinance?

---

No, the covering over the entrance of the home is for safety reasons.

---

- b. Will this request establish a use not permitted in the zoning district the property is located in?

---

No, It will make the home more handicap accessible

---

- c. Will this request cause a substantial adverse effect upon property, which includes, but is not limited to property values, in the immediate vicinity or in the district in which the property of the applicant is located?

---

No, This request would improve the property value.

---

- d. Will this request be specific to the property and not be so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical?

---

This request is specific to this property and is for safety reasons only.

---

- e. Will this request relate only to property that is owned or occupied, or where the applicant has equitable interest?

---

This request will only relate to the property that is owned and occupied.

---

---

---

f. Will this request be the result of a condition created by the applicant?

---

The applicant has created no condition. He is a disabled veteran who need a safe entrance to his home.

---

g. Will this request create possible precedents or affects, which might result from the approval or denial of the appeal and which would be contrary to the intent and purpose of this Ordinance?

---

No as it will only be a covering/roof over the entrance to protect the walkway and surrounding area from the weather.

---

In addition to the above questions, the variance request must also meet one of three special conditions. Please answer a minimum of one of the following questions:

a. Are there practical difficulties, which prevent carrying out the strict letter of this Ordinance? These difficulties shall not only be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.

---

The ordinance restricts the ability to construct a roof over the entrance area.

---

b. Are there exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district? Such circumstances or conditions shall have not resulted from any act of the appellant subsequent to the adoption of this Ordinance.

---

Water, snow and ice gather at the entrance and cause a falling hazard

---

- c. Will this request result in a variation necessary for the preservation of a substantial property right possessed by other properties in the same zoning district?

---

---

---

**Zoning Ordinance Interpretations. If you are applying for an interpretation or a similar use interpretation, please note the following:**

Since every type of potential use cannot be anticipated in this Ordinance, the Zoning Administrator shall determine if the use is similar to a use listed in this Ordinance. The Zoning Administrator may refer matters wherein a use not specifically listed in this Ordinance or may be substantially similar to a permitted use or permitted special land use to the Zoning Board of Appeals for its interpretation and decision.

Text interpretations shall be narrow and address only the situation being interpreted, be based on a thorough reading of this Ordinance for the purpose of implementing the intent of this Ordinance, and not have the effect of amending this Ordinance.

Interpretations shall give weight to practical interpretations by the Zoning Administrator and other administrative officials if applied consistently over a long period of time.

Interpretation of the zoning map shall be subject to the provisions of Article 4 of this Ordinance

**Administrative Appeal. If you are appealing a decision to the ZBA, please note the following:**

An appeal may be taken from any aggrieved person or by an officer, department, board, or bureau of this state or the local unit of government regarding any order, requirement, decision, or determination where it is alleged by the appellant that there is error or misinterpretation in any order, requirement, decision, grant, or refusal made by the Zoning Administrator or other administrative official or body charged with the enforcement of the Ordinance.

An appeal shall be filed with the ZBA and the Zoning Administrator or the body from whom the appeal is taken within sixty (60) days of the final decision being appealed. The filing shall specify the grounds of the appeal. The appeal shall be transmitted to the ZBA together with all the papers constituting the record upon which the action being appealed is taken.

In deciding the appeal, the ZBA shall be limited to determining whether or not the decision that was made was done so using the proper requirements and standards in the Ordinance. The decision of the ZBA is limited to the information that was available to the administrative official or body who made the decision initially. Additional testimony is not appropriate. Regardless of the wording contained in the grounds for the appeal, if the substance of the basis for the



**ELMWOOD CHARTER TOWNSHIP  
ZONING BOARD OF APPEALS**

DECISION AND ORDER

Owner: Roger Landis  
Hearing Date: September 4, 2024  
Case Numbers: 2024-03

PROPERTY DESCRIPTION

Parcel ID number is #45-004-016-040-00. The property is located in the Residential-1 (R-1) Zoning District. The parcel is commonly known as 10989 S West-Bay Shore Dr and is located in Traverse City, Section 16, Elmwood Township.

APPLICATION

Case #2024-03. Request by Roger Landis regarding property at 10989 S West-Bay Shore Dr, Parcel #45-004-016-040-00 for an 18' front yard setback variance to construct front porch. Proposed front porch would not encroach further into front setback than existing home.

The Board having considered the Application, a public hearing having been held on September 4, 2024, after giving due notice as required by law, the Board having heard the statements of the Applicant/Applicant's attorney and agents, the Board having considered letters submitted by members of the public and comments by members of the public, the Board having considered Exhibits and the Board having reached a decision on this matter, states as follows:

SPECIFIC FINDINGS OF FACT UNDER THE ELMWOOD CHARTER TOWNSHIP  
ZONING ORDINANCE UNDER SECTION 12.6

The Board of Appeals may authorize specific variances from requirements of the Ordinance, with the exception of a use variance, provided all of the basic conditions listed herein and any one of the special conditions listed thereafter shall be satisfied.

1. Basic Conditions: A variance from this Ordinance:
  - a. Will not be contrary to the intent and purpose of this Ordinance.  
The Board finds the following facts relevant for Case 2024-03:
    - i. The application states that "...the covering over the entrance of the home is for safety reasons."
    - ii. Additions to an existing use are permitted within the R-1 Zoning District through Zoning Administrator review and approval.
    - iii. There is an existing Single-Family Dwelling on the lot.
    - iv. The height of the modifications will be less than 35'; the building height will be in compliance with the Zoning Ordinance.
    - v. Pursuant to Section 10.3.D of the Zoning Ordinance, A nonconforming structure may be expanded or altered, provided the expansion or alteration does not increase the nonconformity subject to the following provision: 1. A nonconforming

structure, which predates the original Elmwood Township Zoning Ordinance (May 25, 1969), or a nonconforming structure for which documentation regarding the date when it was substantially completed cannot be provided shall require Zoning Board of Appeals (ZBA) approval for any expansion or alteration. The ZBA approval shall be based on a determination of whether the nonconforming structure is legally-existing and that the proposed expansion will not increase the nonconformity.”

- vi. Assessor records show that the structure was constructed in 1956.
- vii. The proposed front porch does not extend further into the front setback than the existing structure.

viii.

ix.

The Board finds that this standard has not been/been met for Case 2024-03.

- b. Shall not permit the establishment within a district of any use unless such use is authorized by this Ordinance.

The Board finds the following facts relevant for Case 2024-03:

- i. The request does not involve the establishment of a new use onsite.
- ii.
- iii.

The Board finds that this standard has been/has not been met for Case 2024-03.

- c. Will not cause a substantial adverse effect upon property, which includes, but is not limited to property values, in the immediate vicinity or in the district in which the property of the applicant is located.

The Board finds the following facts relevant for Case 2024-03.

- i. The application states that “...This request would improve the property value.”
- ii. The variance request includes installing a covered entrance over the front entry to the home. The covered entrance will not extend further into the front setback than the existing home.
- iii. The existing home was constructed in 1956.
- iv.
- v.

The Board finds that this standard has been/has not been met for Case 2024-03.

- d. Is not one where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.

The Board finds the following facts relevant for Case 2024-01 and 2024-02.

- i. The home is a pre-existing nonconforming structure that was constructed in 1956 according to the record card for the property.
- ii. The lot is a parallelogram with its shortest width (per the Leelanau Tax Parcel Viewer (*not a survey*) being only 54' and with its longest width being only 83'.
- iii. In the R-1 Zoning District, the minimum front setback is 30,' the minimum rear setback is 25,' and the minimum distance from water's edge is 30'.
- iv. The proposed front addition will align with the pre-existing nonconforming front of the dwelling and will not encroach further into the front setback.
- v.

vi.

The Board finds that this standard has been/has not been met for Case 2024-03.

- e. Will relate only to property that is owned or occupied, or where the applicant has equitable interest.

The Board finds the following facts relevant for Case 2024-03.

- i. Roger Landis owns the property in which they are seeking a variance.
- ii.
- iii.

The Board finds that this standard has been/has not been met for Case 2024-03.

- f. Shall not be the result of a condition created by the applicant.

The Board finds the following facts relevant for Case 2024-01 and 2024-02.

- i. The application states "The applicant has created no condition. He is a disabled veteran who need a safe entrance to his home."
- ii. The Assessor's files indicate Landis purchased the property in June of 1995.
- iii. The Assessors card indicates the home was constructed in 1956.
- iv.
- v.

The Board finds that this standard has been/has not been met for Case 2024-03.

- g. Shall be assessed for the possible (precedential) effects, which might result from the approval or denial of the appeal and which would be contrary to the intent and purpose of this Ordinance.

The Board finds the following facts relevant for Case 2024-01 and 2024-02.

- i. The application states "...it will only be a covering/roof over the entrance to protect the walkway and surrounding area from the weather."
- ii. The home is a pre-existing nonconforming structure that was constructed in 1956 according to the record card for the property.
- iii. The lot is a parallelogram with its shortest width (per the Leelanau Tax Parcel Viewer (*not a survey*) being only 54' and with its longest width being only 83'.
- iv. In the R-1 Zoning District, the minimum front setback is 30,' the minimum rear setback is 25,' and the minimum distance from water's edge is 30'.
- v. The proposed front addition will align with the pre-existing nonconforming front of the dwelling and will not encroach further into the front setback.
- vi.
- vii.

The Board finds that this standard has been/has not been met for Case 2024-03.

2. When all of the foregoing basic conditions can be satisfied, a variance may be granted when **one** of the following special conditions can be clearly demonstrated:

- a. Where there are practical difficulties, which prevent carrying out the strict letter of this Ordinance. These difficulties shall not only be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.

The Board finds the following facts relevant for Case 2024-03

- i.
- ii.

The Board finds that this standard has been/has not been met for Case 2024-03.

- b. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same zoning district. Such circumstances or conditions shall have not resulted from any act of the appellant subsequent to the adoption of this Ordinance.

The Board finds the following facts relevant for Case 2024-03

- i.
- ii.

The Board finds that this standard has been/has not been met for Case 2024-03.

- c. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

The Board finds the following facts relevant for Case 2024-03

- i.
- ii.

The Board finds that this standard has been/has not been met for Case 2024-03.

#### EXPANSION OF A NONCONFORMING STRUCTURE.

Pursuant with Section 10.3.D of the Zoning Ordinance, A nonconforming structure may be expanded or altered, provided the expansion or alteration does not increase the nonconformity subject to the following provision:

- 1. A nonconforming structure, which predates the original Elmwood Township Zoning Ordinance (May 25, 1969), or a nonconforming structure for which documentation regarding the date when it was substantially completed cannot be provided shall require Zoning Board of Appeals (ZBA) approval for any expansion or alteration. The ZBA approval shall be based on a determination of whether the nonconforming structure is legally-existing and that the proposed expansion will not increase the nonconformity.

The Board finds the following facts relevant for Case 2024-03.

- i. The record card for the property indicates that the home was constructed in 1956
- ii. The proposed front addition will align with the pre-existing nonconforming front of the dwelling and will not encroach further into the setback.

The Board finds that this standard has been met for both Case 2024-01 and 2024-02.

#### CONDITIONS OF APPROVAL

- 1.

#### DECISION

***Should the ZBA require additional information in order to render a decision:***

*Motion to adjourn deliberations on these variance requests until [insert date, time, and location] in order to receive the following: [insert requested items]*



**OR**

***Should the ZBA find the application complete and all basic conditions and special condition have not been met or cannot be met with conditions:***

*Motion to deny the variance requests and approve the Decision and Order as modified.*

**OR**

***Should the ZBA find the application complete and all basic conditions and special condition have been met or can be met with conditions:***

*MOTION BY \_\_\_\_\_, SECONDED BY \_\_\_\_\_ to approve the Decision and Order as modified.*

**AND**

*MOTION BY \_\_\_\_\_, SECONDED BY \_\_\_\_\_ to approve the variance necessary to allow the construction of a covered front entrance based on the previously found Findings of Fact, [with \_\_\_\_\_ condition(s)].*

**TIME PERIOD FOR JUDICIAL REVIEW**

MCL 125.3606 provides that any party aggrieved by a decision of the Zoning Board of Appeals may appeal that decision to the Circuit Court within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the ZBA, if there is no chairperson, or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of the meeting at which the decision was made.

**Zoning Board of Appeals  
Case 2024-03  
Exhibit List**

- A. Elmwood Township Zoning Ordinance
- B. Zoning Board of Appeals application (submitted by Applicant) containing:
  - 1. ZBA Application Form
  - 2. Screenshots of the Leelanau Tax Parcel Viewer with measurements.
  - 3. Untitled and undated architectural drawings
- C. Public Hearing Notice with Mailing List
- D. Aerial of surrounding area
- E. Decision and Exhibit List
- F. Record Card [printed on 7/30/2024]

