

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

Wednesday August 7, 2024 at 6:30 PM

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



ZBA Members:

Gary Bergstrom, Chair
Jeff April, Vice-Chair
Jason Razavi, Secretary
Jeff Beamsley
Jim O'Rourke
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
- G. New Business:
 - 1. None
- 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 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, 2024 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 FIX RUNOFF ISSUES ON THE LOT. THESE RUNOFF ISSUES SHALL NOT BE DIVERTED TO ADJACENT PROPERTY OR THE THEIR-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.*

