

**NOTICE OF APPEAL
TO THE
ZONING BOARD OF APPEALS**

Leland Township, Leelanau County, Michigan

(Use for Ordinance or Map Interpretation, Variance, or Appeal of an Administrative Decision; See Article 4)
(All references to "Section" and "Article" refer to the Leland Township Zoning Ordinance)

Important Notice to Applicants: 8 copies of this appeal must be completed in full and submitted to the Zoning Administrator. All questions must be answered completely. If additional space is needed, number and attach additional sheets. The total number of attached sheets is 4.

Name and Address of Appellant:

Phone Number of Appellant:

Dave & Mishia Dutch
2555 N. PEARL ST. #1504
DALLAS, TX 75201

Residence: 512-423-8900
Work Place:

* Sarah Portogale Acting AS Agent

FOR TOWNSHIP USE ONLY

Appeal Number:	Special Notes:	
Date Received:	Date	Comment
Tax Parcel Number:		
Fee Received: (amount and date)		
Fee Receipt Number:		
Zoning Board of Appeals		
Application Received by ZBA (date):		
ZBA Hearing Date:		
Action Taken on (date): (summarize below)		
Zoning Administrator	Date	

PART 1: ACTION REQUESTED

I (we), the undersigned, request a hearing before the Leland Township Zoning Board of Appeals for the purpose indicated below (circle the appropriate purpose):

Ordinance or Map Interpretation

Variance

Appeal from an Administrative Decision

PART 2: REQUEST for VARIANCE from the REQUIREMENTS of the ZONING ORDINANCE

(This part is to be completed for variance requests only. See Section 4.05(C))

B. State specifically the variance being requested (such as a 5 foot reduction on side yard setback, 10% reduction in parking spaces, etc.)

cont.

- Expand non-conforming structure (Art 19 sec 19.04)
~~W/ screen down over existing deck. proposed cover~~
~~porch. ROOF ADJUSTMENT AT GARAGE 2nd floor. REPAIR STAIRS~~
- 12 foot reduction of front (water side) setback - (Art 11 sec 11.02 D) R-1A
- 7 foot reduction of " " " "
- 4 foot reduction of front (road side) setback - cov entry
- 15 foot reduction of " " " "

C. Describe the peculiar or unusual characteristics of your property which require the granting of a variance.

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> too narrow | <input type="checkbox"/> elevation | <input type="checkbox"/> soil |
| <input type="checkbox"/> too small | <input checked="" type="checkbox"/> slope | <input type="checkbox"/> subsurface |
| <input checked="" type="checkbox"/> too shallow | <input checked="" type="checkbox"/> shape | <input type="checkbox"/> other (please specify) |

SEE ATTACHED SITE PLAN

D. State exactly what is intended to be done on the property which necessitates a variance from the Zoning Ordinance. ~~Add covered entries to protect deck walls.~~

~~for owner. remodel partial existing deck for a screen porch. ADD 4th d room AT GARAGE BRING GARAGE STAIR UP TO CODE~~

E. Justification for granting the requested variance. Answer the following questions and attach your answers to this application (See Section 4.05(C)).

1. Are there any practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance?
2. Does a genuine hardship exist because of unique 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, and shall not be recurrent in nature?
3. Did the hardship or special conditions or circumstances result from actions of the applicant? If so how?
4. Will the variance relate only to property under control of the applicant?
5. Will the variance be in harmony with the general purpose and intent of this Ordinance and not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district?
6. Will strict compliance with ordinance requirements unreasonably prevent the applicant from using the property for a permitted purpose, or render conformity unnecessarily burdensome.
7. Is the variance requested the minimum amount necessary to overcome the inequity inherent in the particular property or mitigate the hardship?
8. Will the variance permit the establishment, within a district, of any use which is not permitted by right within that zoning district?

B. continued: schedule of Regulations lot coverage 30%. Ask for increase in lot coverage of 1% to exactly 45% coverage

F. Legal description of subject property (attach survey if possible):

See attached

G. Address of Property: 4265 N. Lake Leland Av Br

H. This property is: unplatted or platted (circle appropriate answer)
If platted, name of Plat: _____

I. Present use of the property is: Residential - Single Family

J. Existing zoning classification of the property is: R-1A

K. Drawings: Eight (8) copies of a plan drawn to scale of 1 inch = 100 feet must be submitted with this application clearly showing, but not limited to, property lines, lot shape and dimensions, proposed and existing building locations and dimensions, parking and yard areas, and features for which a variance is being requested.

PART 3: INTERPRETATION OF ZONING ORDINANCE OR MAP

(This part is to be completed for ordinance interpretation requests only. See Section 4.05(B))

- A. The appellant respectfully requests the Board of Appeals make an interpretation of:
- _____ a. The location of district boundaries on the Zoning Map as applied to the property described in this application (See Section 9.04).
 - _____ b. The provisions of Section _____ of the Leland Township Zoning Ordinance.
 - _____ c. Other, specify, _____

B. Please describe in detail the nature of the problem to be interpreted and the reason for the request.

PART 4: APPEAL from ADMINISTRATIVE DECISION

(This part is to be completed only for appeals of an administrative decision. See Section 4.05(A))

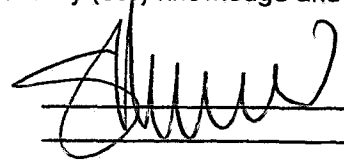
A. The appellant respectfully requests the Board of Appeals to reverse or modify the administrative decision of the Zoning Administrator / Planning Commission (circle as applicable) made on _____ (date) regarding Application No. _____ (Attach a copy of the decision.)

Reversal or modification requested: _____

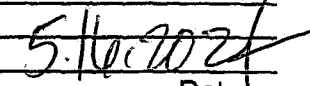
Reasoning for reversal or modification of decision: _____

PART 5: AFFIDAVIT

I (we), the undersigned, acknowledge that if a variance is granted, or other decisions favorable to the undersigned are rendered upon this appeal, the said decision does not relieve me (us) from compliance with all other provisions of the Leland Township Zoning Ordinance. I (we), the undersigned, affirm that the answers, statements, and information contained herein are in all respects true and correct to the best of my (our) knowledge and belief.

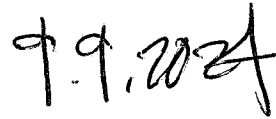


Appellant(s) Signature(s)



Date





Parcel No. 009-135-028-00

Leelanau County Property Information (Assessment Year - 2023)

Jurisdiction: LELAND 45-09
Owner Name: DUTCH DAVE & MICHELLE
Property Address: 4265 N LAKE LEELANAU DR
LAKE LEELANAU, MI 49653
Mailing Address: 2555 N PEARL ST #1504
DALLAS, TX 75201

Legal Description

PT GOVT LOT 3 SEC 35 COM S 1/4 COR SD SEC TH N 23 DEG 05' E 1507.6 FT TH N 83 DEG 30' W 730.5 FT TO C/L LAKE
LEELANAU DR (A/K/A CO RD 641) & POB TH N 83 DEG 49' W 82.9 FT TO SHR LAKE LEELANAU TH ALG SD SHR N 07 DEG 57'
W 153.26 FT TH S 89 DEG 49' E 84.8 FT TO SD C/L TH SLY ALG SD C/L 161.81 FT M/L TO POB SEC 35 T31N R12W 0.14 A M/L

ATTACHMENTS
PG. 1 OF 4

April 10th, 2024

From: Dave & Michelle Dutch
4265 N Lake Leelanau
Leelanau, MI 49653

To: Leland Zoning Board of Appeals

Subj: Sarah Bourgeois, Agent for Dave & Michelle Dutch for Leland ZBA

This letter is to grant permission to Sarah Bourgeois, of Sarah Bourgeois Architects, 921 W. Eleventh Street, Suite 2W, Traverse City, Michigan 49684 to act as the agent for Dave & Michelle Dutch for any and all variance requests for their home at 4265 N Lake Leelanau, Leelanau, MI 49653.

Respectfully,

Dave & Michelle Dutch

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David M. Ditch
 4265 N. Lake William Dr.

ZBA DELIBERATIONS WORKSHEET

The following required findings are from The Zoning Enabling Act as it relates to the approval of a variance of the Leland Township Zoning Ordinance, "Required Findings: The Zoning Board of Appeals shall have the power to authorize specific variances from site development requirements provided that all of the required findings listed below are met and the record of proceedings of the Zoning Board of Appeals contains evidence supporting each conclusion."

Required Findings	Facts	Requirements Met/Not Met/Not Applicable
<ul style="list-style-type: none"> There are practical difficulties or unnecessary hardships that prevent carrying out the strict letter of this ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land. 	<p>yes there are practical difficulties based on the shape/narrowness/depth of the lot that restricts the buildable area, plus the existing structure violates setback up the hill; front setbacks.</p>	
<ul style="list-style-type: none"> A genuine practical difficulty exists because of unique 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, and shall not be recurrent in nature. 	<p>yes - a few the shallowness depth of the lot poses a minimal buddy envelope</p>	
<ul style="list-style-type: none"> The hardship or special conditions or circumstances do not result from actions of the applicant. 	<p>True - The hardship was not self created.</p>	

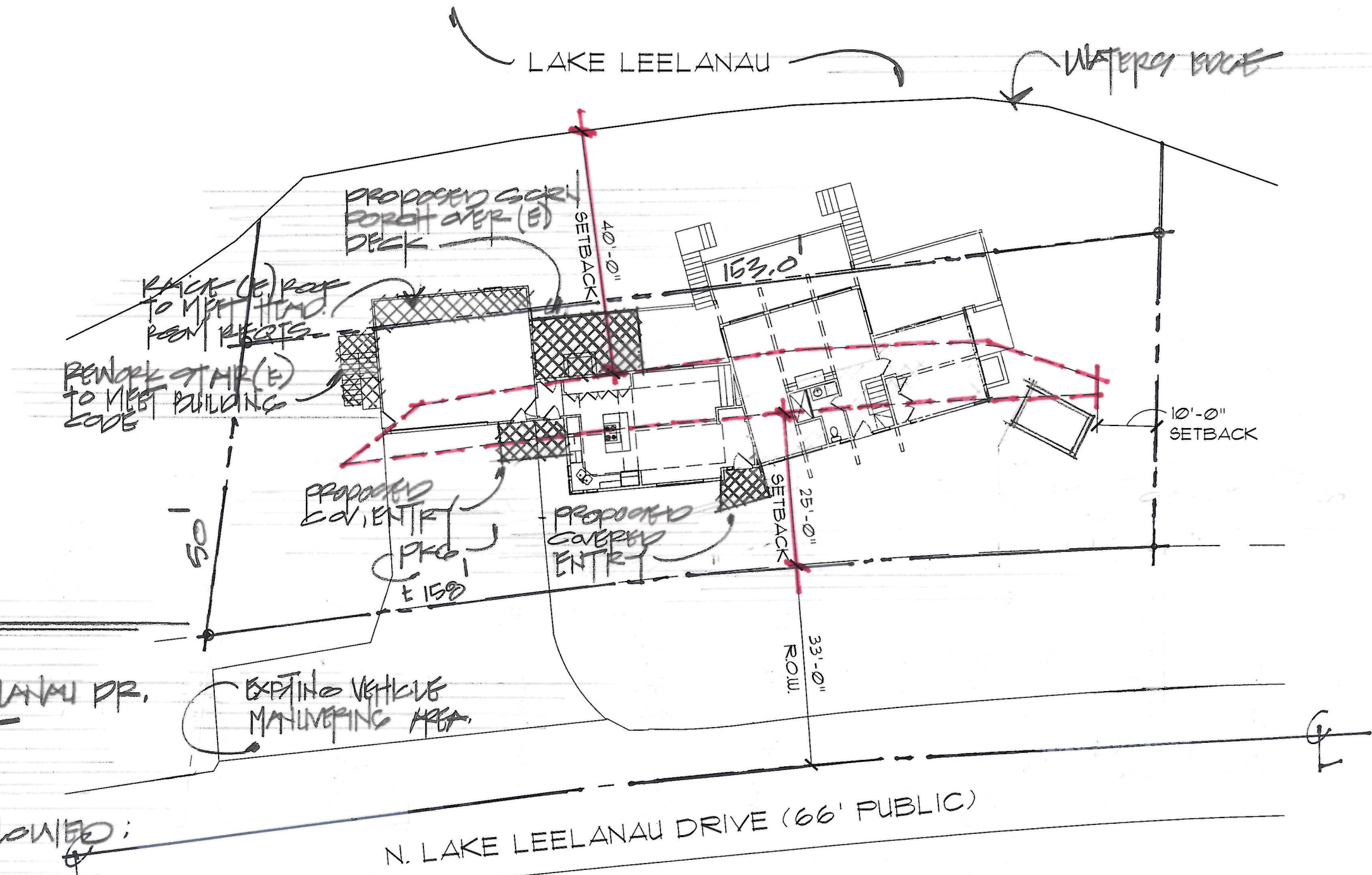
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(over)

Dave: Andrea Dutch
 4265 N. Lake Leelanau Dr.

Required Findings	Facts	Requirements Met/Not Met/Not Applicable
<ul style="list-style-type: none"> The variance will relate only to property under control of the applicant. 	yes	
<ul style="list-style-type: none"> The variance will be in harmony with the general purpose and intent of this ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district. 	yes	
<ul style="list-style-type: none"> Strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome. 	yes - and especially protecting the property	
<ul style="list-style-type: none"> The variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the hardship. 	yes	
<ul style="list-style-type: none"> The variance shall not permit the establishment, within a district, of any use which is not permitted by right within that zoning district. 	yes	

pcr. nca

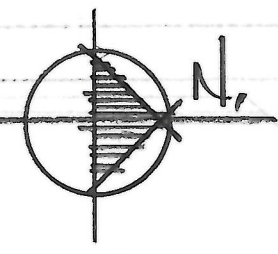


SITE NOTES:

ADDRESS:
 4205 N. LAKE LEELANAU DR.
 ZONING DISTRICT
 P-1A.

LOT COVERAGE ALLOWED:
 30%
 EXISTING LOT COVERAGE:
 45%
 PROPOSED LOT COVERAGE:
 46%

SITE PLAN
 SCALE: 1" = 20.0'



DUTCH RESIDENCE- SITE PLAN

SARAH BOURGEOIS ARCHITECTS 4.15.2024, 5.10.2024, 9.9.2024

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