Regular Meeting
Of the
East Bay Charter Township Zoning Board of Appeals

TUESDAY    August 21, 2018    Township Hall    6:30 pm.

Board Members Present: Tracey Bartlett, Ted Hentschel, Dave Houseman, Frank Guerin, Carl Studzinski
Also Present: Leslie Couturier, Zoning Administrator/Recording Secretary

There were two (2) guests in attendance.

1. **Call Meeting to Order.** Chair Houseman convened the meeting at 6:30pm.

2. **Roll Call.** Roll was called by the recording secretary and a quorum was present.

3. **Review for Conflict of Interest:** None.

4. **Approval of the Agenda.** Bartlett moved to approve the agenda as presented, Hentschel supported the motion and the motion passed unopposed.

5. **Approval of the Minutes.** A motion was made by Hentschel to approve the minutes of the May 15, 2018 Regular Meeting and site review minutes, Studzinski supported the motion and it passed unopposed.

6. **Public Input:** None.

7. **Old Business:** None.

8. **New Business:

   A. **Appeal Request 11-18:** Peter Biskupski, authorized agent for Thomas & Nancy White, Owners: Public Hearing & Action.

   **Appeal Request 11-18:** Peter Biskupski, authorized agent for Thomas & Nancy White, owners, on a parcel of land commonly known as 2150 Gibbs Road, Traverse City, property identification number(s) 28-03-410-009-00 in the Lakes Area, (LA) Zoning District. The request is for two (2) variances to construct a 38’ x 30’ one story detached garage with attic storage and a walk-out basement, requiring variances from Section 505, Table Number 1, Yard Setbacks; specifically 1) an 18.6’ variance from the road right-of-way, resulting in a 1.4’ setback from the road right-of-way of Gibbs Road. The minimum setback from the road right-of-way, for a detached garage, in the LA District is 20’ and 2) a 3’ variance from the westerly side lot line resulting in a 7’ setback.
from the side property line. The minimum setback from a side property line, for a detached garage, in the LA District is 10’

All legal requirements have been met.

Chair Houseman opened the public hearing; as the applicant had requested more time to submit additional information a motion was made by Hentschel, supported by Studzinski to postpone Appeal Request 11-18 to a future meeting, once the applicant can return with the supplementary information. The motion passed with without opposition.

B. Appeal Request 12-18; Mansfield Land Use Consultants, Authorized Agent for East Bay One LLC, Owner; Public Hearing & Action.

Appeal Request 12-18; Mansfield Land Use Consultants, Authorized Agent for East Bay One LLC, Owner, on a parcel of land commonly known as 1028 & 1076 US-31 North, Traverse City, property identification number(s) 28-03-207-026-00 & 28-03-208-043-00, in the Regional Business, (RB) Zoning District. The request is for a variance to add an additional driveway: resulting in a development in the RB District containing two (2) driveways on US-31 North; Section 412.6.h (1) of the RB zoning districts limits each development or project to one (1) driveway unless the development has at least 400 feet of continuous frontage and that a minimum of 400 feet separates the driveways. The subject parcel(s) have 300 feet of continuous frontage.

All legal requirements have been met.

Mr. Mansfield addressed the Appeals Board, giving an overview and history of the need for the variance; The Townships Fire Prevention Ordinance adopted the International Fire Code (IFC) as the standards and regulations for fire prevention in the Township. The IFC includes a standard that commercial uses of a certain size must have two (2) means of fire apparatus access. As the Township Zoning Ordinance only allows for additional driveways with a 400’ separation (the parcel width is 303.47’), thus the need for a 183.74’ variance. The applicant has exhausted all possible inner connections to the east and west as owners of those properties were unwilling to allow the connections. The western proposed second driveway is narrower and would be designated as an enter only driveway.

The Standards of the Township Zoning and Fire Prevention Ordinances are conflicting, creating a situation where both ordinances cannot be complied with.
Chair Houseman offered time for public hearing at 6:50 pm, hearing none the public hearing was closed, followed by discussion amongst the board with questions to the applicant.

A motion was made by Guerin to approve Appeal Request 12-18 as proposed; all basic conditions had been met with the special condition being number two (2): 2. 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. The motion was supported by Bartlett and it passed unopposed.

9. **Reports:** Bartlett provided a Township Board Report, followed by a Planning Commission report from Hentschel.

10. **Public Input:** None

11. **Adjournment:** Chair Houseman adjourned the meeting at 7:03 pm.

Minutes Submitted by Leslie Couturier, Recording Secretary