

GREEN LAKE TOWNSHIP ZONING BOARD OF APPEALS
GOLDEN FELLOWSHIP HALL
9700 RILEY ROAD, INTERLOCHEN, MI
WEDNESDAY, JANUARY 11, 2023

MINUTES

1. CALL TO ORDER: By Chair Calvin Wilson at 6:00 pm.
2. PLEDGE OF ALLEGIANCE: Was recited by all.
3. ROLL CALL: Board members present were: E. Wilson, Dowlan, Haight and C. Wilson. Marek was absent. Also present were Alycia Reiten, Planning and Zoning Director and Mary Jo Barck, Recording Secretary.
4. APPROVAL OF AGENDA: Moved by C. Wilson and supported by E. Wilson to approve the agenda as presented. Carried.
5. APPROVAL OF MINUTES: E. Wilson noted minutes have the wrong time for opening of Public Hearing. Should state 6:10 p.m. Moved by C. Wilson and supported by Haight to approve the Minutes of December 14, 2022, as amended. Carried.
6. CORRESPONDENCE:
E. C. Wilson stated no correspondence has been received.
7. CONFLICT OF INTEREST STATEMENT: None on this date
8. NEW BUSINESS
 - a. **Public Hearing** ZBA 23-001 – A request for the granting variance to Article 8 Zoning Districts, 8.7 Table of Dimensional Regulations, front yard setback 35 feet, located at 2323 J. Maddy Pkwy, Interlochen, MI and owned by Nicole Philibosian. The applicant is requesting a variance of 7’9” feet to the front yard setback for the construction of a deck.

Applicant asked architect Fred Campbell to present on her behalf.

Fred Campbell 225 E. Sixth Street, Traverse City

During recent renovations Ms. Philibosian’s contractor was asked to construct a deck on the rear side of her office. The contractor was unable to do so due to scheduling.

Applicant then took it upon herself and constructed the deck, referencing Grand Traverse County Construction Codes for building information.

Both the building and deck are at a skewed angle, air conditioning units on both sides and fireplace.

A notice was received by applicant that the deck was 7'9" into the front yard setback. Mr. Campbell said 78% of the building is actually in that setback and shared the setback line on a print he provided. The deck is 15'x31' and approximately 8-10 inches off the ground and requires no railing. Mr. Campbell stated if the portion in the setback were to be removed, he does not feel the deck would retain its structural integrity. He believes the non-conformance of the office, together with the required angle of the deck when attached are a hardship.

Discussion:

Haight asked how do you drain the septic? Applicant answered removable boards have been set in place. Haight also asked how the deck is accessed, applicant stated through the rear door.

C. Wilson asked why Philibosian built the structure without a permit, she answered did not know she needed one. Applicant stated she knew it met construction code but did not know it also needed a land use permit.

Haight asked if Philibosian knew it was in the setback. She answered no, explaining the building was built in 1965 and named the "Music Box" and then was rented to a quilting store.

C. Wilson asked the dimensions if squared off. Mr. Campbell stated approximately 23'x15'. Wilson noted, about 350 square feet then.

C. Wilson opened the Public Hearing at 6:13 p.m.

No Remarks from Audience

C. Wilson closed the Public Hearing at 6:13 p.m.

Haight asked staff why Green Lake Township was notified of the variance. Staff stated the township owns property nearby for a water pumping station.

E. Wilson asked applicant if the business is for sale? Philibosian stated no, she is a real estate agent and the sign is for her business.

NOTE: N. Philibosian left the meeting 6:20 p.m., Fred Campbell her agent stayed for the remainder of discussion.

Chairman Wilson asked that the members begin review of Article 15, Section 15.4 Variances. The members will review each item 1-5.

1. Strict Compliance...

C. Wilson asked what the plan is for the deck, since this is an office. Mr. Campbell said it is just a deck and only used for personal reasons. C. Wilson followed up, asking what the reason for the size. Mr. Campbell responded he does not know; he came in after it had been constructed. Mr. Campbell added the site should have been surveyed and planned. E. Wilson added that there is more than enough land to have done in another direction.

2. Substantial Justice...

E. Wilson said the neighbors do not benefit, only applicant.

3. Lesser Relaxation...

C. Wilson stated building is already 78' into the front yard setback.

4. Need...

C. Wilson, yes as the building is a unique build.

5. Compliance...

C. Wilson asked staff to share the dates applicant first notified of the needed variance. Staff stated the first letter to applicant was dated July 5, 2022 and addressed the lack of a land use permit. C. Wilson, so the non-compliance was caused by the applicant.

Mr. Campbell agreed the issue is self-created and did notify applicant that he has presented three variances in his career. The property is unusual with 78% of the structure in the setback, he has never seen this before. But if asking if it was self-created, his answer would be yes.

C. Wilson asked staff how long would applicant get rebuild? Staff replied a land use permit is good for one year.

Stating that standards of Article 15.4 Variances have not been met, motion by C. Wilson, supported by E. Wilson to deny ZBA 23-001 a request for 7'9" variance into the front yard setback. A land use permit for the deck, including a statement that the removal of the corner of the deck encroaching into the setback, must be received by applicant and encroaching section removed by May 31, 2023.

Roll Call Vote:

Dowlan: yes

Haight: no

E. Wilson: yes

C. Wilson: yes

Motion is carried.

C. Wilson stated removing the corner encroaching will still leave a decent size deck. He added six months of avoiding communication is too long. Mr. Campbell added that experience has taught him ordinances are in place for a reason.

C. Wilson thanked Mr. Campbell for his attendance and invited him to stay for the remainder of the meeting.

9. OTHER BUSINESS:

10. PUBLIC COMMENT:

Fred Campbell 225 E. Sixth Street, Traverse City

Mr. Campbell asked what percentage of variances are approved. Staff responded about 74% historically. Most are waterfront setbacks. C. Wilson stated there are a lot of parcels that are small, some as little as a quarter-acre. E. Wilson said there also seems to be a lot of “forgiveness” requests.

11. BOARD COMMENTS:

12. ADJOURNMENT: By C. Wilson at 6:46 p.m.

CHRIS HAIGHT, SECRETARY
GREEN LAKE TOWNSHIP ZONING BOARD OF APPEALS

MARY JO BARCK, RECORDING SECRETARY
GREEN LAKE TOWNSHIP ZONING BOARD OF APPEALS

NOTE: THESE MINUTES ARE SUBJECT TO AMENDMENT AND/OR CORRECTION
PRIOR TO THEIR ACCEPTANCE.