

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

Wednesday May 1, 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: January 3, 2024
- G. New Business:
 - 1. 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.
- 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)
January 3, 2024 at 7:00 PM**

A. CALL TO ORDER: Gary Bergstrom called the meeting to order at 7:00 p.m.

B. ROLL CALL: Jeff Beamsley, Jeff Aprill, Jim O'Rourke, Gary Bergstrom Excused: Jason Razavi

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: October 11, 2023: MOTION BY JEFF APRILL, SECONDED BY JIM O'ROURKE TO APPROVE MINUTES OF OCTOBER 11, 2023 AS PRESENTED. MOTION PASSED UNANIMOUSLY.

G. NEW BUSINESS:

1. Review and Approve 2024 Meeting Calendar

MOTION BY JEFF APRILL, SECONDED BY GARY BERGSTROM TO APPROVE THE 2024 MEETING CALENDAR WITH A NEW MEETING TIME OF 6:30 PM AND THE APRIL MEETING MOVED TO 4/4/24. MOTION PASSED BY A UNANIMOUS VOTE.

2. Election of Officers

Nomination by Jim O'Rourke, seconded by Jeff Aprill to elect Gary Bergstrom as Chair. Nomination approved unanimously.

Nomination by Jim O'Rourke, seconded by Gary Bergstrom to elect Jeff Aprill as Vice-Chair. Nomination approved unanimously.

Nomination by Jeff Aprill, seconded by Gary Bergstrom to elect Jim O'Rourke as Secretary. Nomination approved unanimously.

3. Review Rules of Procedure

The Board discussed the new meeting time of 6:30 and changed the first meeting of the year to be as needed instead of a mandatory meeting in January.

H. OLD BUSINESS: None

I. COMMENTS FROM THE CHAIR: None

J. COMMENTS FROM ZBA MEMBERS: None

K. ANNOUNCEMENTS: Staff relayed that there would be no February meeting.

L. PUBLIC COMMENT: None

M. ADJOURN: MOTION BY JEFF BEAMSLEY, SECONDED BY JEFF APRILL TO ADJOURN MEETING AT 7:16 PM. MOTION PASSED.

NOTICE OF PUBLIC HEARING ELMWOOD CHARTER TOWNSHIP ZONING BOARD OF APPEALS

Public Hearings are scheduled for Wednesday, May 1, 2024 at 6:30 p.m. before the Elmwood Charter Township Zoning Board of Appeals to consider:

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.

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.

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. Written comments submitted prior to the public hearing regarding these requests will be received until 5:00 pm May 1, 2024.

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

Posted: 4/11/2024 at 11:00am
Elmwood Township Hall
Connie Preston, Clerk

Planning and Zoning
10090E Lincoln Rd.
Traverse City, MI 49684

Hello, we are requesting a variance to move our front entryway to an alcove that is between the house and the garage. The reason why we are doing this is we have replaced our flooring and some of our subfloor in our home due to the case and problem of having water coming in under our door and into our foundation. The current grade and topography have created a drainage were water accumulates up against our house and in front of our garage. We have met with several professionals that have agreed that by allowing us this variance it will protect our home and allow us to divert the water properly and in accordance with soil erosion and building codes.

Thank you for your consideration.

Daniel & Silvia Ortega

CASE NUMBER 2024-01

Charter Township of Elmwood
Zoning Board of Appeals Application

Property Information (if applicable):

Property Address: 10195 S West Bayshore Dr., Traverse City, MI 49684

Parcel Number: 45-004-016 - 014 - 00 Zoning District: R1

Project Name or Title: _____

~~Applicant~~ Owner

Daniel & Silvia Ortega

Name

10195 S West Bayshore Dr

Street Address
Traverse City MI 49684

City State Zip

~~231-645-2578~~ 989-751-5282

Phone Number

Email Address

~~Owner (if different)~~ Applicant

Martin Fessler Prestige

Name Construction Group

3700 Beitner Rd

Street Address
TC MI 49685

City State Zip

~~231-645-2578~~ 231-645-2578

Phone Number

prestigeconstruction
Email Address group@yahoo.com

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: 5.6 R1 Setbacks

Required Dimension in Ordinance 30' from center or right of way

Amount of Variance Requested from Required Dimension: 12' front setback variance
6' to the front edge of home.
9' side setback variance to rebase roof trusses & construction

Previous Appeal Requests (Date, Request, Decision): N/A
storage space above garage
MAF

Other Information to explain request: Home was built in 1968. Part of that structure is located within the current setback.

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 Existing home currently located within setbacks.

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

No Still complies with R1 Zoning

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?

Request causes no adverse effect on immediate vicinity. It will improve and add value to current home.

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?

To be determined by zoning board.

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

yes

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

No. Present at purchase.
Grade & terrain from 3 sides make this
Variance necessary.

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?

To be determined by zoning board

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.

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.

The current entry way of home is 8-12 inches below grade with everything sloping towards the door.

- 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

appeal is that the decision incorrectly evaluated the facts related to the land use application under the standards or requirements of this Ordinance, then the ZBA shall determine whether the decision was supported by competent, material and substantial evidence based on the evidence presented to or known by the decision maker. The ZBA shall not consider evidence which was not presented to or known by the decision maker.

No decision regarding a planned development may be appealed to the ZBA.

Escrow may be required.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the ZBA, after notice of appeal has been filed, that by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed other than by a restraining order, which may be granted by a court of record.

Affidavit:

The undersigned affirms that he/she or they is (are) the owner, or authorized agent of the owner, and that the answers and statements herein contained and the information submitted are in all respects true and correct. In addition, the undersigned represents that he/she or they is authorized and does hereby grant a right of entry to Township officials for the purpose of inspecting the premises and uses thereon for the sole purpose of gathering information regarding this request.

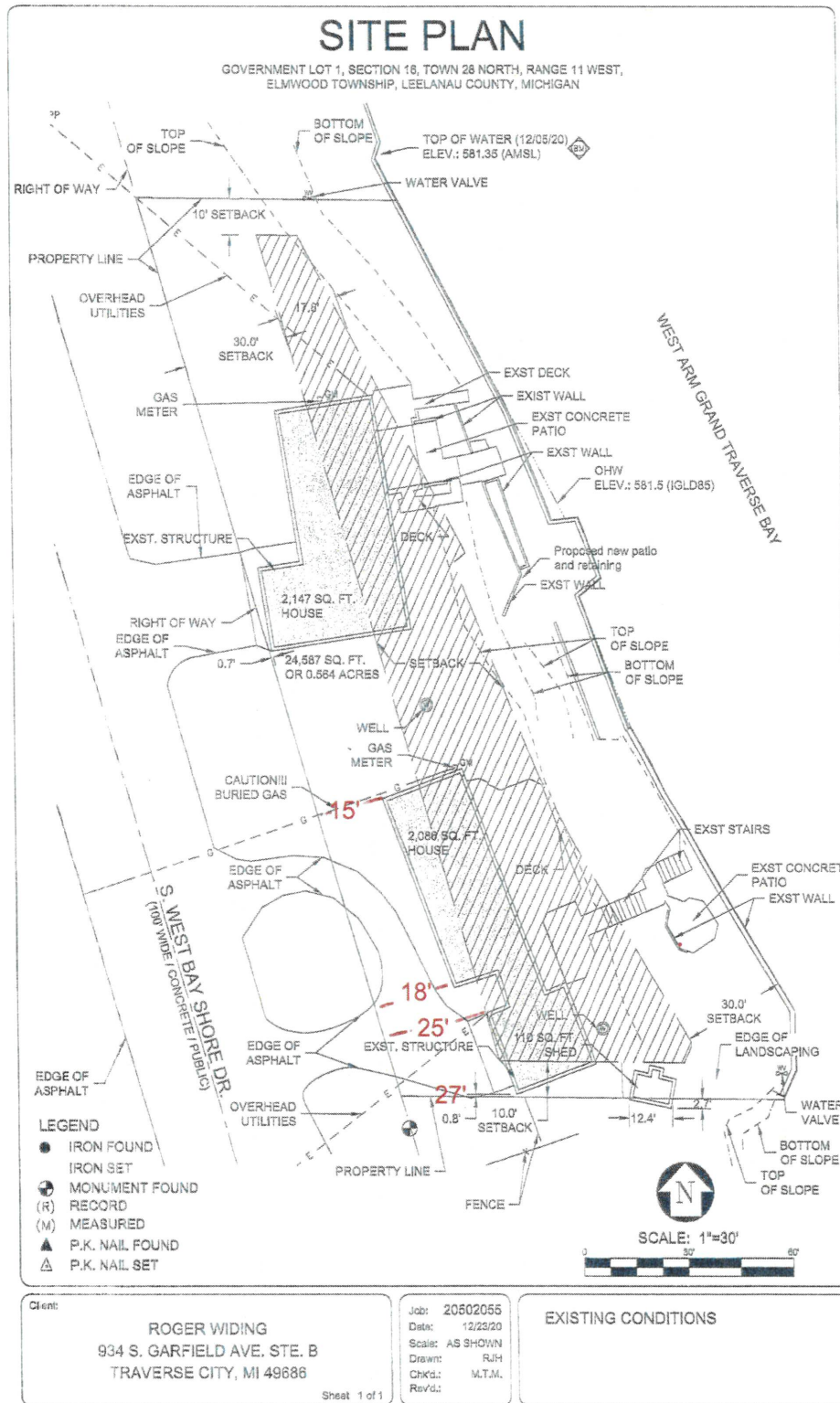
Daniel Ortega 3-2-24
Owner Signature Date

Applicant Signature Date

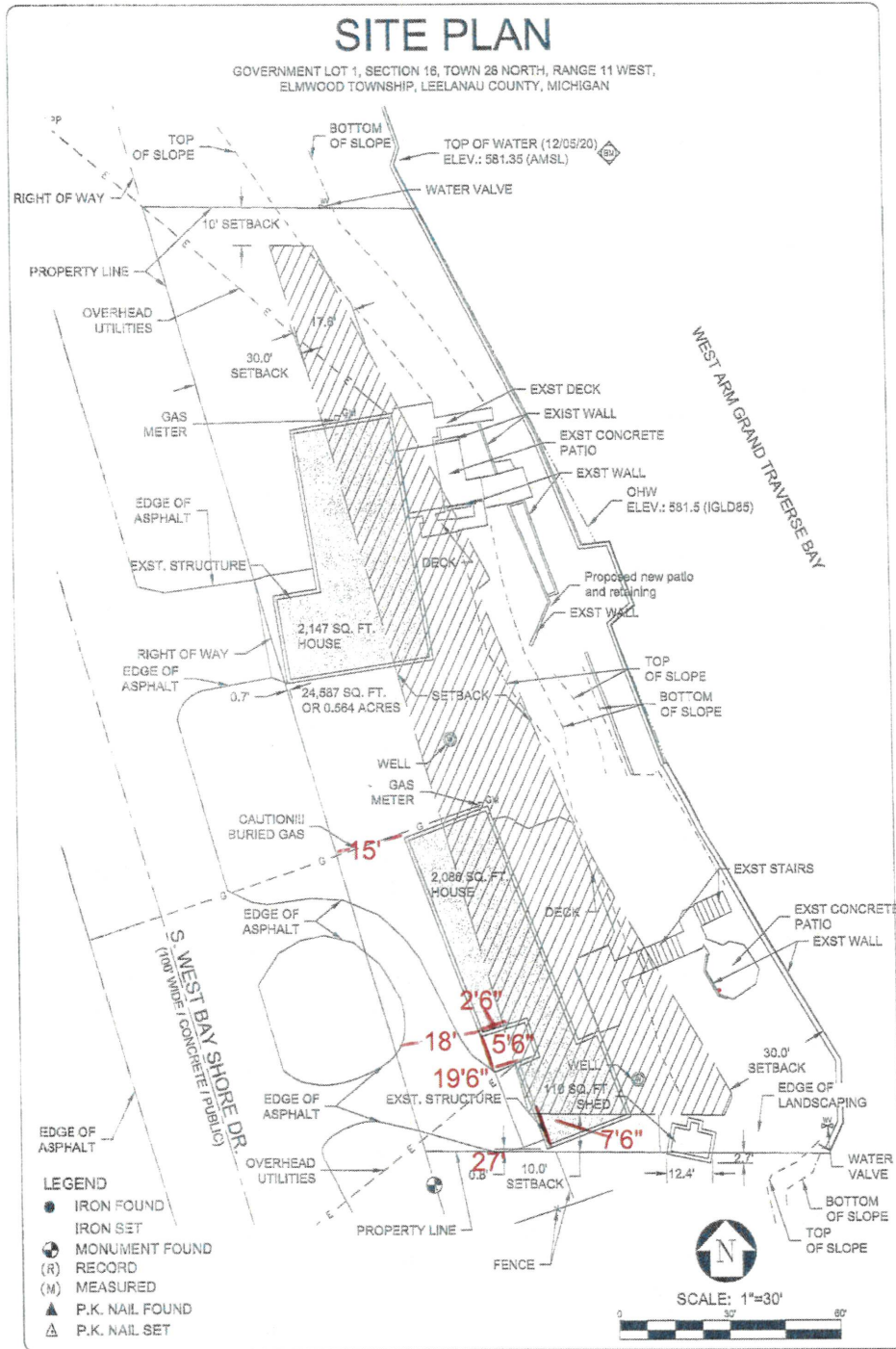
OFFICE USE ONLY:

Case Number: _____ Fee: _____ Paid: _____
Board Decision: _____ Date: _____
Date Permit Issued: _____ Issued By: _____

Current Site Plan



Proposed Site Plan



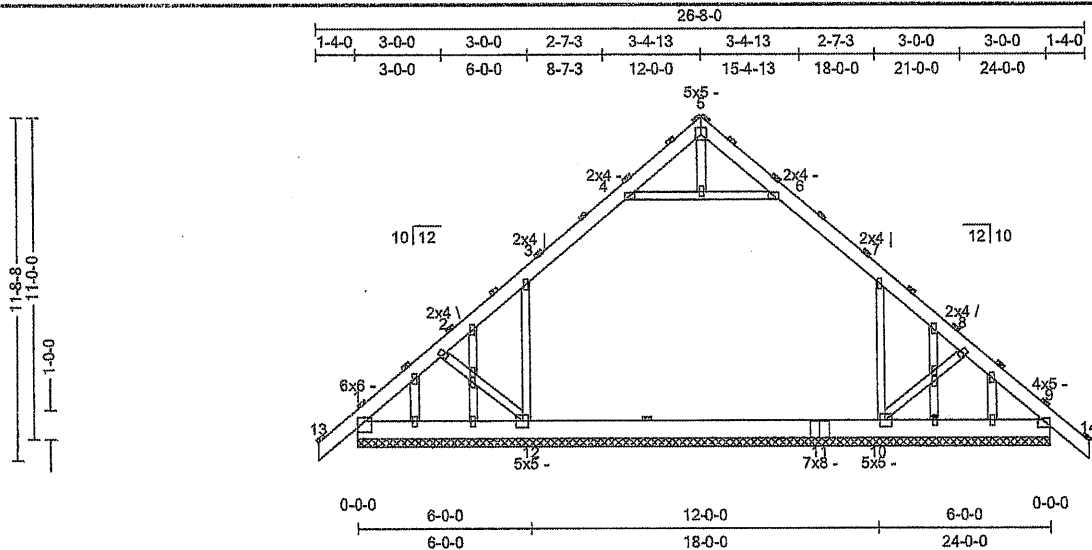
Client:
ROGER WIDING
 934 S. GARFIELD AVE. STE. B
 TRAVERSE CITY, MI 49686

Sheet 1 of 1

Job: 20502055
 Date: 12/23/20
 Scale: AS SHOWN
 Drawn: R.J.H.
 Chkd.: M.T.M.
 Rev'd.:

EXISTING CONDITIONS

SPAN 24-0-0	PITCH 10/12	QTY 2	OHL 1-4-0	OHR 1-4-0	CANT L 0-0-0	CANT R 0-0-0	PLYS 1	SPACING 36in	WGT/PLY 187lbs
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All plates shown to be Eagle 20 unless otherwise noted.

Loading (psf) TCLL: 20 Snow(Ps/Pg): 50/70 TCDL: 10 (rake) BCLL: 0 BCDL: 10	General Bldg Code: IBC 2018/ TPI 1-2014 Rep Mbr: No Lumber D.O.L.: 115 %	CSI TC: 0.55 (3-4) BC: 0.55 (10-12) Web: 0.67 (3-12)	Deflection Vert TL: 0.17 in Vert LL: 0.12 in Horz TL: 0 in	L/ L/999 L/999	(loc) (11-12) (11-12)	Allowed L/240 L/360
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Reaction	Brg Combo	Brg Width	Rqd Brg Width	Max React	Max Grav Uplift	Max MWFRS Uplift	Max C&C Uplift	Max Uplift	Max Horiz
1	1	288 in	N/A	1,560 lbs	-147 lbs	-190 lbs	-237 lbs	-237 lbs	234 lbs
1	1	288 in	N/A	1,649 lbs
1	1	288 in	N/A	2,690 lbs	.	.	-16 lbs	-16 lbs	-227 lbs
1	1	288 in	N/A	2,481 lbs	.	-166 lbs	-362 lbs	-362 lbs	-488 lbs
1	1	288 in	N/A	3,937 lbs	.	.	-137 lbs	-137 lbs	846 lbs
1	1	288 in	N/A	43 lbs	-2,507 lbs	-313 lbs	.	-2,507 lbs	781 lbs
1	1	288 in	N/A	302 lbs	-825 lbs	-47 lbs	.	-825 lbs	-894 lbs

Material

TC: SYP 2400/2.0 2 x 6
 BC: SYP 2400/2.0 2 x 8
 Web: SPF#2 2 x 4

Bracing

TC: Purlins at 24" OC, Purlin design by Others.
 BC: Sheathed or Purlins at 10-0-0, Purlin design by Others.

Loads

- 1) This truss has been designed for the effects of balanced (50.1 psf) and unbalanced sloped roof snow loads in accordance with ASCE7 - 16 with the following user defined input: 70 psf GSL, Terrain C, Exposure (Ce = 1.0), Risk Category II (I = 1.00), Thermal (Ct = 1.10), DOL = 1.15. If the roof configuration differs from hip/gable, Building Designer shall verify snow loads.
- 2) This truss has been designed to account for the effects of ice dams forming at the eaves.
- 3) This truss has been designed for the effects of wind loads in accordance with ASCE7 - 16 with the following user defined input: 115 mph (Factored), Exposure C, Enclosed, Gable, Risk Category II, Overall Bldg Dims 25 ft x 60 ft, h = 15 ft, End Zone Truss, Both end webs considered. DOL = 1.60
- 4) This truss has been designed for the effects of a 14 psf live load computed in accordance with IBC 2018 assuming slope = 10/12 and area supported = 80 ft², DOL = 115 %.
- 5) Minimum storage attic loading has not been applied in accordance with IBC 1607.1
- 6) In accordance with IBC 1607.1, minimum BCLL's do not apply.

Member Forces

Tribe indicates: Member ID, max CSI, max axial force, (max compr. force if different from max axial force). Only forces greater than 300lbs are shown in this table.

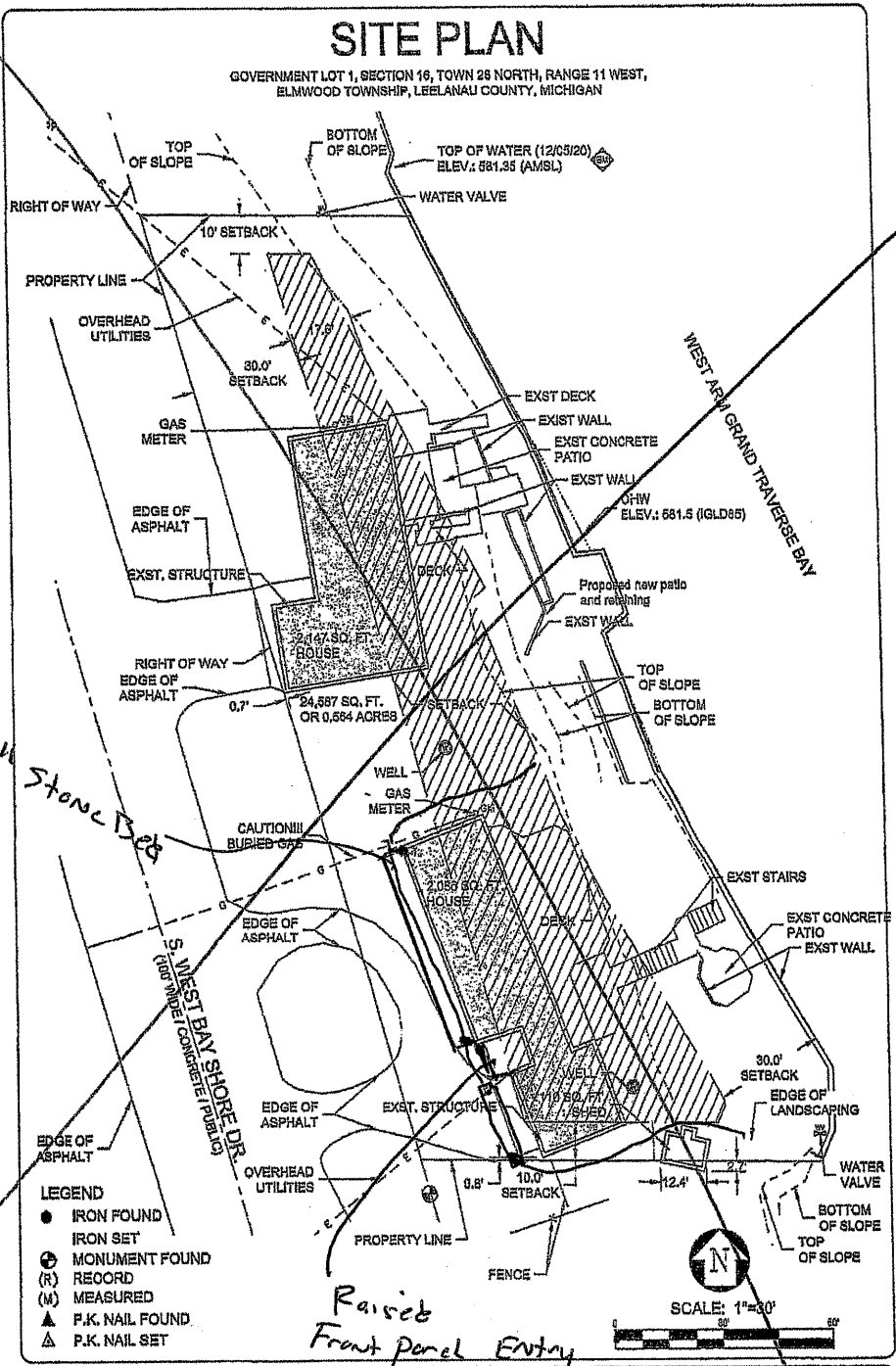
TC	Member ID	CSI	Max Axial Force	Member ID	CSI	Max Axial Force	Member ID	CSI	Max Axial Force
TC	13-1	0.309	369 lbs	3-4	0.552	-2,059 lbs	6-7	0.551	-2,059 lbs
	1-2	0.244	-3,614 lbs	4-5	0.251	-709 lbs	7-8	0.358	-1,629 lbs
	2-3	0.363	-1,628 lbs	5-6	0.252	-709 lbs	8-9	0.222	-1,905 lbs
BC	2-12	0.080	-306 lbs	4-6	0.382	-766 lbs	8-10	0.082	-315 lbs
	3-12	0.667	-1,526 lbs	7-10	0.664	-1,512 lbs			

Notes

- 1) Unless noted otherwise, do not cut or alter any truss member or plate without prior approval from a Professional Engineer.
- 2) Gable webs placed at 24" OC, U.N.O.
- 3) Attach structural gable blocks with 2x4 20ga plates, U.N.O.
- 4) Bracing shown is for in-plane requirements. For out-of-plane requirements, refer to BCSI-B3 published by the SBCA.
- 5) Attic floor area has been designed as a living area with 40 psf floor live load and a 5 psf floor dead load, and the interior vertical webs and ceiling has been designed for a 5 psf dead load.
- 6) The fabrication tolerance for this roof truss is 0% (Cq = 1.00).



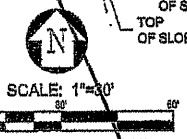
Superseded



SW Stone Bldg

S WEST BAY SHED (FORMER DOW)

- LEGEND**
- IRON FOUND
 - IRON SET
 - ⊕ MONUMENT FOUND
 - (R) RECORD
 - (M) MEASURED
 - ▲ P.K. NAIL FOUND
 - △ P.K. NAIL SET



Client:	ROGER WIDING 934 S. GARFIELD AVE. STE. B TRAVERSE CITY, MI 49686	Job#: 20502055 Date: 12/23/20 Scale: AS SHOWN Drawn: RJH Checked: M.T.M. Revised:	EXISTING CONDITIONS
Sheet 1 of 1			

● - butter downspouts
 ~~~~~ - 6" soot pipe

Select or search for a feature in the map  
004-016-014-00

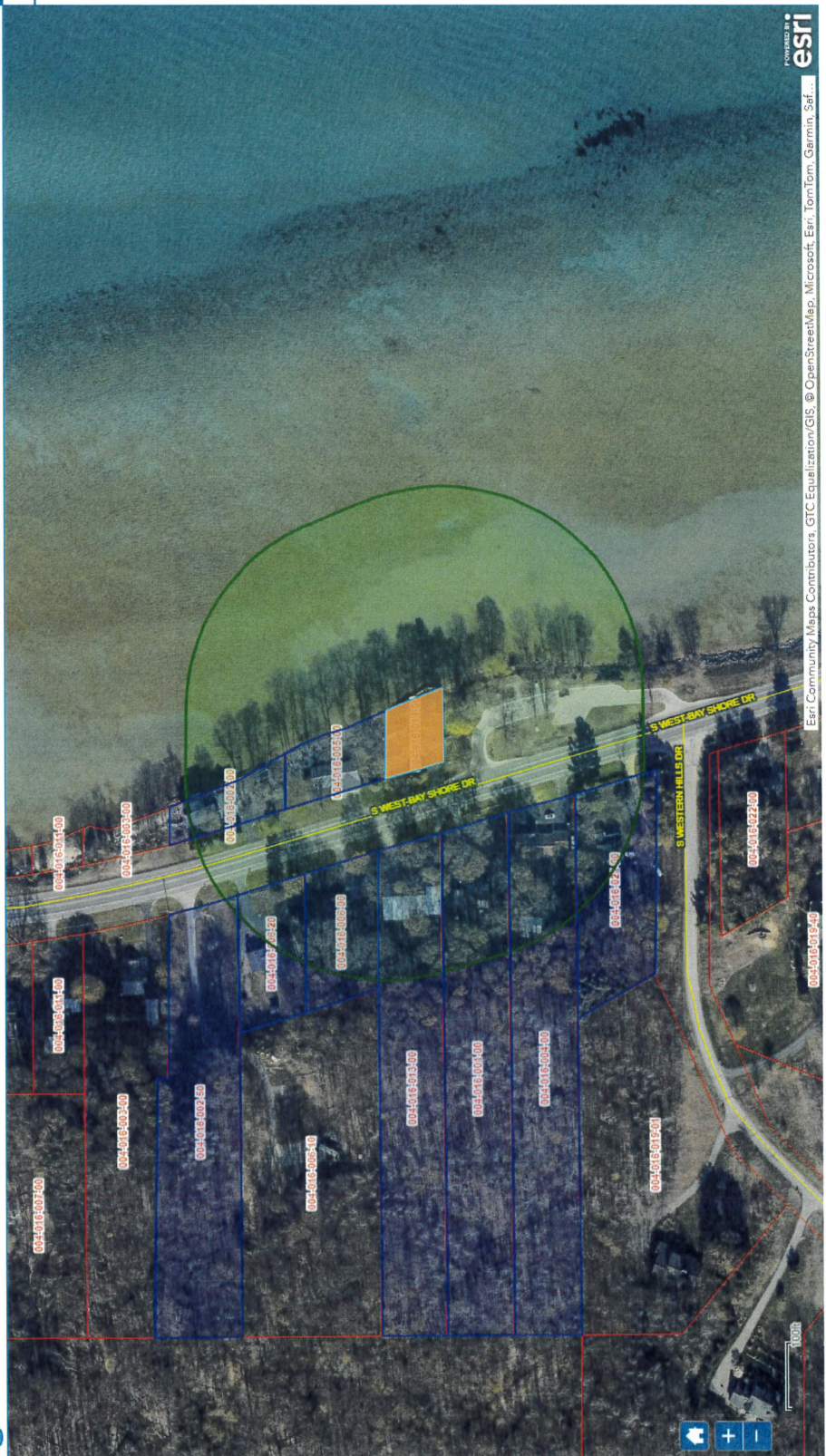
Select Clear

Apply a search distance  
300 Feet

Addressee Layer  
Tax Parcels - Mailing Address

Format  
PDF label 1 x 2.5/8 inches, 30 per page  
10 addresses found; do you want to continue?

Download





016-002-00

Janet A Beall Trust  
6544 High Drive  
Mission Hills KS, 66208

016-014-00

Silvia and Daniel Ortega  
10195 S West-Bay Shore Drive  
Traverse City, MI 49684

016-004-00

Andrew and Sarah Sutton  
10220 S West-Bay Shore Drive  
Traverse City, MI 49684

016-002-50

Beth and David Gratzke  
1001 Crystal Oak Lane  
Arlington, TX 76005

016-021-00

Richard and Jennifer Elliott  
10246 S West-Bay Shore Dr  
Traverse City, MI 49684

016-005-00

Nicholas Lake  
10169 S West-Bay Shore Dr  
Traverse City, MI 49684

016-006-20

Scott Hughey and Betsy Lindeman  
10142 S West-Bay Shore Drive  
Traverse City, MI 49684

016-013-00

Space Properties LLC  
11100 S West-Bay Shore Drive  
Traverse City, MI 49684

016-006-00

Arlene Bailey  
C/O Lisabeth Bailey  
PO Box 1826  
Traverse City, MI 49685

016-001-00

Tierra Eight Properties LLC  
73 S Highland Drive  
Lake Leelanau MI 49653

