

WEST TRAVERSE TOWNSHIP  
REGULAR PLANNING COMMISSION MEETING  
AUGUST 12, 2020

Chairperson Mooradian called the meeting to order at 7:05 p.m. The meeting was held in person as well as telephone conferencing.

Roll Call: Baiardi, Uutinen, Mooradian, Moore, Repasky.  
Absent: Varner, Wallin.

Visitors: David Evrard, Paul White, David White, Martin Breighner (phone), Phil Miller (phone), Steve Sergent (phone).

The Pledge of Allegiance was recited by all.

Approve Agenda: The agenda was approved by consensus.

Public Comments: None.

Approve Minutes: **Baiardi made a motion to approve the meeting minutes of July 22, 2020 as presented. Uutinen seconded the motion.**

**Vote: All yes.**

NEW BUSINESS

Case 2020-2 Waiver of Standards Request from David Evrard and Cathy Kalahar to Construct an Accessory Structure of 864 sq. ft. on a Parcel of Less Than One Acre at 6141 Beech Avenue. Parcel ID# 24-16-15-09-476-037.

David White explained that the zoning portion of this application must be done by Emmet County, but this is asking for a waiver of Standards from the Planning Commission. If this is approved, they will have to go to the Zoning Board of Appeals for a variance of placement. They are requesting to build an 864 sq. ft. accessory building which is in excess of the 600 sq. ft. that is allowed on lots of less than one acre. Notices were sent out to property owners where required and there are some on the phone tonight. One question that has been there from the start of this request is that there is an alley that intersects this property almost in half. The applicant has stated that if this alley was figured into the square footage, there would be no waiver of standards.

Paul White, agent of the applicant, pointed out that if the alley was included in the area of the property, it would add approximately 1475.4 sq. ft. and they are about 1350 sq. ft. short right now of being able to legally go to 864 sq. ft. They think that it is a fair request and it would enable the owners to store small boats and snow removal equipment inside. David Evrard said that the original property was two parcels. They divided it and made it into two parcels thinking that they would be able to build on the back property.

Proposed: August 12, 2020  
Approved: September 9, 2020

West Traverse Township  
Regular Planning Commission Meeting  
August 12, 2020

Martin Breighner is an attorney and he represents Mr. Pete Hendrickson. He states that Mr. Hendrickson is probably the most affected by this application. Mr. Hendrickson owns Lot 35 and he also owns a portion of Birch Avenue with the applicant. Mr. Hendrickson also owns property outside of the Plat which is a developed parcel. His only access to Lot 35 and his property outside the Plat is through the 15 ft. alley. They have owned this property since the 1930s, both the Idylwilde property and the property outside of the Plat. Mr. Breighner stated that the alley was moved at the request of the applicant for their own developmental reasons. The other side of the alley (on the water) is the remnant of an outlot which they subsequently divided and created the problem they are talking about now. The proposed garage is directly behind Mr. Hendrickson's property. Mr. Breighner said that the garage is very large and more than a garage. He said that it will limit Mr. Hendrickson's use of his property. If it is moved forward, it will dramatically impact both his client's use of Lot 35 and his access easement to his property outside the Plat. That access easement was originally created through a resolution to a lawsuit. Mr. Hendrickson's lots are landlocked. Mr. Breighner thinks that the applicant's representations are somewhat accurate, but they really don't outline the impact it will have on Mr. Hendrickson's property, both pieces of which are in West Traverse Township.

Repasky asked if the alley was a dedicated alley for the use of Idylwilde residents. Mr. Breighner stated that the roads and alleys in the Plat are owned by the Association for the benefit of the Plat.

Phil Miller stated that the alley cuts across his property first from the east. He said that the garage will not affect them at all and he does not have a problem with it being built.

Scott Sergent stated that he and his wife own Lots 26 and 27. He stated that looking at where the proposed garage is, if it was a little more south and east, it would take away some of the impediment for Mr. Sergent. He said that it is large, also. He stated that on the site plan, it shows some roadways on Birch Avenue which do not exist.

Mr. Evrard said they did not move the alley for developmental reasons, they moved the representation of the alley, but not the alley itself. He said that they had to re-plat it to conform to the physical place where the alley was.

The Planning Commission is being asked to modify or waive a Standard of Size. In the Zoning Ordinance under Section 407:1 is the Table for allowable accessory buildings and everything over 200 sq. ft. would be considered a major accessory building. A property with less than one acre would be allowed one structure over 200 sq. ft. with a maximum footprint of 600 sq. ft. with a maximum side wall height of 12 ft. The applicant is asking for the structure to be considered in the one to two-acre size which would give them 864 sq. ft. Mooradian wondered if the Planning Commission were to waive the Standard, are they automatically waiving the wall height also. He asked what the wall height of the structure is being proposed and it was stated that it would be a 12 ft. height on the side wall and 20 ft. to the peak.

Mooradian reviewed the regulations for waiving the Standards which is under 407:1, e. He then brought up Section 502:2, I which is Plot Plan Data Required. There was discussion regarding the lot which is separated by an alley which is dedicated to use by the private Association. The lot is being treated as if it is two parcels. The parcels are non-conforming lots per the Township Zoning. Mooradian questioned if an accessory building could even be built on the back lot without a primary dwelling. Mooradian said that at this point, the Planning Commission may need some legal review of this to determine whether or not it can even have an accessory building on the back lot.

Baiardi stated that she saw the creek that is running through the back lot and she doesn't think that anything is being shown far enough away from that body of water. She said that she has some concern about the alley because it is not a part of the property. The Zoning Ordinance does not allow making a non-conforming property more non-conforming.

Repasky asked whether the septic system was allowed that close to the creek, but Mooradian pointed out that the septic system was installed some time ago and would not be allowed under today's code. Repasky feels that it is confusing trying to figure out what is legal about the lots. Moore agrees with the questions that have been brought up. He thinks that the legal side needs to be addressed. He said that he was scaling it out and it doesn't look like the building would be 60 ft. away from the creek, even if it would be moved. He thought it would be about 50 ft.

Utinen stated that some important points had been brought up that he had not considered. His initial concern is the alley and the splitting of the parcels, even though it is under one ID number. The alley is platted and has to stay. He thinks this needs to be looked at a bit more before making any decisions.

Mooradian felt that the Planning Commission should postpone this application until next month, gather more information, especially about the conformity of the lots and how the alley affects it and does it cause a conflict with the Township's Zoning.

Moore asked whether the building could be moved so that it was more in line with the owner's house that is being built. Mr. Evrard stated that there are some very nice trees in the area that Moore is referring to.

Mr. Breighner stated that the lots were converted into non-conforming lots by the applicant. They can be combined together for tax purposes, they can be owned by the front lots, but they are non-conforming lots.

Paul White stated that what was shown on the site plan is an approximate location of the creek, so they can get an exact location for actual dimensions.

**Mooradian made a motion to postpone Case 2020-2, a request by David Evrard and Cathy Kalahar for a waiver of Standards to allow for a larger than allowed accessory structure located at 6141 Beech Avenue (Parcel ID #24-16-15-09-476-037). This case shall be postponed until the next regularly scheduled meeting of September 9, 2020 at 7:00 p.m. The reason for postponement is to gather more information regarding the impact of the**

West Traverse Township  
Regular Planning Commission Meeting  
August 12, 2020

**platted alley. It appears from the engineer's drawing that these are two separate, non-conforming lots of record. Although both are owned by the applicant, Article 5, Section 502:2 item I, such other information concerning the lot, adjoining lots or other matters as may be essential for determining whether the provisions of this Ordinance are being observed. Baiardi seconded the motion.**

**Roll Call Vote: Baiardi – yes, Uutinen – yes, Moore- yes, Repasky – yes, Mooradian – yes.**

Mooradian stated that the Planning Commission will consult with the Township attorney regarding the questions about the alley.

Repasky stated that this is a non-conforming lot and they are asking for a waiver of Standards, so even if they could put an accessory building on this lot, he would not agree with it.

Zoning Administrator's Report: David White presented his written report. Baiardi had a question regarding a permit for an agricultural accessory building.

Township Board Representative's Report: Baiardi presented her report.

Correspondence: Reminder for the MTA Education podcasts.

Planning Commissioner Comments: None.

Public Comments: None.

Adjourn: **Uutinen made a motion to adjourn. Mooradian seconded the motion.**

**Vote: All yes.**

The next regularly scheduled meeting will be September 9, 2020 at 7:00 p.m.

Submitted by:

Dawson Moore, Secretary

Transcribed by:  
Susan Matsko  
Township Secretary

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