

# Little Traverse Township Zoning Board of Appeals

August 24, 2023

5:30 PM

MINUTES

FILE COPY

Chairman Leach called the meeting to order at 5:30 PM.

**Roll Call:** **Present:** Joe Leach, Joe Chattaway & Travis Johnson

**Absent:** None

**Staff present:** Bill Dohm, Supervisor, & Ken Lane, Planning and Zoning Consultant

**Also present:** Nicholas Liebler, applicant, (*attachment page 5*).

**Agenda:** Mr. Dohm presented the agenda. Chairman Leach asked if there were any additions or changes. There were none. Chairman Leach declared the agenda approved by consensus, (*attachment page 6*).

**Minutes:** Following review of the minutes of March 2, 2023, a **motion** to approve the minutes as presented was made by Mr. Chattaway, and supported by Mr. Johnson. The motion was approved by unanimous voice vote.

## **Case #A-03-2023:**

Chairman Leach announced the next order of business was to conduct a Public Hearing on an application by Nicholas Liebler, Architect, representing Muchmore LLC for a front yard set-back variance, to replace an existing non-conforming cottage at 1949 Pennsylvania Ave. The property is zoned RR, and is a non-conforming zoning lot. The property is more particularly described in tax parcel #24-08-16-17-176-043.

Mr. Dohm advised that the Public hearing had been posted, published and mailed to all property owners within 300 ft. of the subject property as required. (*see attachment page 7*)

**5:35 PM:** Chairman Leach opened the public hearing.

Chairman Leach asked if there was any correspondence on the case.

Mr. Dohm introduced a letter of approval from the Executive Board of the Wequetonsing Landowners Association (WLA), (*see attachments pages 8*)

Chairman Leach asked Planning and Zoning Consultant Lane to outline the case as per the application.

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Mr. Lane presented his Memorandum of Factfinding dated 08.15.2023 containing considerations that could be made for a final decision, (*see attachment page 9-12*).

Chairman Leach asked Mr. Liebler if he cared to make additional comments on behalf of his client.

Mr. Liebler gave an overview of his request, primarily as outlined in the application, (*copy on file*). He explained the garage entries were configured to alleviate the need to back vehicles onto the public road.

Chairman Leach entertained discussion from the Board.

Mr. Johnson was concerned about the front yard setback, as depicted, being inconsistent with previous ZBA decisions along that corridor. He was also concerned that such little room left between the structure and Pennsylvania Ave. would be setting a bad precedent.

Considerable discussion was held on neighboring comparisons.

Mr. Dohm asked if the site plan depicted setback lines from the footings or roof overhangs.

Mr. Liebler advised they were shown as the walls.

Mr. Dohm and Mr. Lane explained that setbacks need to include eaves and overhangs.

Discussion was then held about the ability to increase the setback, and to include the overhangs in the equation.

Mr. Liebler calculated that he could move the structure with the overhangs to be 2' from the property line, but it would require the rear yard setback to be decreased, affecting the alignment with the neighboring properties.

This option seemed to be an improvement, but the WLOA would need to approve any changes to the site plan.

Mr. Liebler advised he would pursue that avenue if that is what the Board decided. He may have to shorten the north/south dimension of the structure if WLOA would not approve it that way.

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**6:23 PM:** There being no further public comment, Chairman Leach declared the Public Hearing closed.

Following discussion, Mr. Chattaway made the following motion:

Due to the findings of fact as provided in the memorandum dated August 15, 2023, from the Township Planner, and as discussed by the Little Traverse Township ZBA, I, Joseph Chattaway, move to approve Case A-03-2023, Muchmore LLC ZBA variance application dated July 11, 2023, for a front yard setback variance of 38 feet as measured from the roof overhang, in order to construct a single-family home at 1949 Pennsylvania Avenue, Tax ID# 24-08-16-17-176-043, because the standards of the Township Zoning Ordinance have been met.

Upon support from Mr. Leach, the motion was approved by the following roll call vote:

Mr. Chattaway – Yes

Mr. Leach – Yes

Mr. Johnson – No

The motion was declared adopted by Chairman Leach.

**6:25 PM:** Chairman Leach called a recess to have the final decision typed for approval and signatures.

**6:35 PM:** Chairman Leach called the meeting back to order.

The final decision was then reviewed by the Board for signatures. Upon a motion by Mr. Chattaway, with support by Mr. Johnson, the final order was approved by a unanimous roll call vote of those present, and signed as part of these minutes, *(see page 13-15)*.

**Open Discussion for items not on the agenda:**

**Public Comment.** or correspondence received. There was none.

**Report by Planning Commission Representative:** There was none.


**Report by Twp. Board Members:** Mr. Dohm advised the Township Master Plan, was adopted by the Township Board on August 9th., and that copies will be available on the Twp. website shortly. There are no other ZBA cases pending, and that all 3 ZBA members had signed up for the MTA planning zoning retreats to be held at Highlands of H.S. on September 26th & 17<sup>th</sup>.

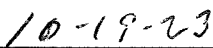
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**Adjourn:** There being no further business to be brought before the Board, Mr. Chattaway made a motion to adjourn. Mr. Johnson seconded the motion. Upon a unanimous voice vote, Chairman Leach declared the meeting adjourned at 6:45 PM.

Respectfully Submitted,

  
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Joe Chattaway, Secretary

  
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William P. Dohm  
Recording Secretary

  
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Date Approved