

Charter Township of Garfield
Zoning Board of Appeals Meeting

Wednesday, July 17, 2019 @ 6:00pm
Garfield Township Hall
3848 Veterans Drive
Traverse City, MI 49684

Chair Rick Smith called the meeting to order at 6:00pm.

Board Members Present: Lynne Fricke, Steve Duell, Kent Rozycki, Scott Swan, and Rick Smith

Staff Present: Zoning Administrator Michael Green

1. **Review and approval of the agenda and declaration of a Conflict of Interest**
Swan moved and Duell seconded to approve the agenda as presented.

Yeas: Swan, Duell, Rozycki, Fricke, Smith
Nays: None

2. **Minutes – June 19, 2019**
Fricke moved and Swan seconded to approve the minutes of June 19, 2019 as presented.

Yeas: Fricke, Swan, Duell, Rozycki, Smith
Nays: None

3. **Public Hearings**

- a. **A request was made by Peninsula Construction and Design on behalf of Active Brace and Limb for a variance from the stream setback requirements. The specific request is asking for a 5 foot variance from a portion of the proposed building and a 15 foot variance for the parking areas. The property is zoned C-O Office Commercial and is located at 5136 North Royal Drive, with property number of 05-347-010-00.**

The parcel is located in the West Traverse Office Plaza and is zoned C-O Office Commercial. The property address is 5136 North Royal Drive. The property contains an abandoned well house located near the northwest corner of the lot, which was originally used to supply water to the development prior to the supply of municipal water service. The lot is bisected by a tributary of Kids Creek.

The applicant is requesting a 5 foot variance from the 75 foot

stream setback resulting in a 70 foot setback for a portion of the proposed building. A second request asks for a 15 foot variance from the 50 foot stream setback for parking areas. The application states that the 35 foot vegetative buffer will remain intact through the use of retaining walls on the edge of the parking area.

Steven Richardson of Peninsula Construction, representing Active Brace and Limb, presented the application and proposed building plan to board members. He recently did a site walk through with Steve Largent, Drain Commissioner, and Largent suggested a couple changes to mitigate any damage to the stream. Richardson said that he was doing all site planning based on a 2016 wetland survey. Commissioners asked if the site could be built out without any variances and Richardson said that the parking lot was the main issue for the setback variance. Commissioners suggested placing the parking on the lot to the north, which is for sale. Board members expressed concerns with a wetland setback and suggested that a new wetland survey be done to determine current boundaries.

Chair Smith opened the Public Hearing at 6:32pm.

John Nelson of Inchokee Crest Commons said that the township wetland provisions were done when he was serving on the Planning Commission. He explained the importance of honoring the provisions and was against the 15 foot variance.

The Public Hearing was closed at 6:33pm.

Board members suggested that the request be tabled to ask owners about the purchase of an easement on the northern property, moving the building to the west and possibly having another wetlands delineation survey done.

Duell moved and Rozycki seconded to table ZBA Case #2019-03 to allow the applicant to weigh options in regards to the water body setback variance request.

Yeas: Duell, Rozycki, Swan, Fricke, Smith

Nays: None

4. Other Business

None

5. Items for next agenda

None

6. Public Comment

None

7. **Adjournment**

Swan moved and Fricke seconded to adjourn the meeting at 6:50.



Steve Duell, Secretary