

Milton Township
Zoning Board of Appeals
Regular Meeting
August 8, 2024
7:00 PM

7023 Cherry St. / Kewadin, MI

1. Call meeting to order
2. Pledge of Allegiance
3. Roll Call
4. Public Comment
5. Approval of Agenda
6. Election of Officers
7. Approval of Minutes dated May 12, 2022
8. Old Business
9. New Business
 - a) #2024-01 Steven and Ann Pearsall, 12172 S West Torch Lake Dr, Interpretation of Section 117.603 of the Zoning Ordinance regarding 2 front yard setbacks on a corner lot
10. ZBA Member Comments
11. Report from Planning Commission Representative
12. Adjourn

Milton Township
Zoning Board of Appeals
Meeting Minutes
May 12, 2022

Members present: Chairman Anderson, Burdo, Hefferan, Atkinson, and Jankowski

Members absent: Gray (resigned), Kopkau, excused

Also present: Kopriva and 7 audience members.

Anderson called the meeting to order at 7:00 pm and the Pledge was recited

Roll Call

Public Comment

No one wished to speak

Approval of Agenda:

Motion to approve the agenda by Atkinson/Jankowski. Motion carried.

Approval of meeting minutes dated November 11, 2021

Motion to approve the minutes by Hefferan/Atkinson. Motion carried.

Old Business

None

New Business

A. 2022-01 Torch River Shack Rentals, LLC, 7711 Crystal Beach Rd, Parcel Number 05-12-006-044-00 Waterfront Setback Variance and Enlargement of Non-Conforming Structure for construction of stairway and landing

Anderson discussed how the variance request process works.

Rob Lorrea of Land Use Consulting, on behalf of the owner. The variance is for construction of a stairway and landing. The project is designed to limit impact. It's to access the second floor. It's hard to get employees. The intent is to get an exterior entrance so we can get workforce housing. Currently the stairway is in store interior and creates problems with the store itself. We have the survey and drawings to show you how this is specific to this request. We tried to place it so it wasn't protruding or sticking out as far as the building itself. The intent of the deck is to give them a place to relax after work. The store has rental slips, food and beverages. There are concerns about noise. The property closes at 9 pm. We provide free boat slips for Antrim, Kalkaska, and DNR marine patrol at no cost. The request is for a variance and we have water on three sides. We are on a peninsula. There is no way the building could be built today. We just want to take one window out and put a door in and allow us to have a secure store while not interfering with the residence on top. The intent is to get the stairway. Burdo complained that the

chain was up and he couldn't access the property. Lorrea apologized.

Hefferan said he visited the property and asked about the three stakes. Lorrea explained on the map. Jankowski asked where the stairway is on the interior. Loorea showed on a map. A blueprint was presented showing the stairway.

Anderson asked if the interior stairs couldn't be relocated. This was discussed how difficult this would be for the owner. The intent was to try to get it done without coming to the board and if we could have done it inside without needing a variance, we would have. They would have to move a bathroom and all of the HVAC. The owner bought the property in August 2020. The previous owners lived upstairs. The owner's insurance company said he couldn't have anyone stay there because it brings you right into a store. It could only be the owner since the stairs bring you into the store.

Hefferan asked regarding previous variances. Lorrea showed photos. He said this is the only commercial business on a peninsula. Any other business would be allowed to do this. Anderson said the stairs and deck would be quite close to the edge of the water. They are open to discussing other options. Atkinson said it's not our job to redesign something. It's our job to interpret the ordinance as written. Lorrea said a lesser variance can be granted.

Correspondence:

Anderson read five letters

Kathleen Hale of Torch Bridge Court sent a letter opposed to the variance request.

Sally Bell Mathias of Torch Bridge Court sent a letter opposed to the variance request.

Sue Kelly of Torch Bridge Court set a letter opposed to the variance request.

Susan Severns of Torch Bridge Court set a letter opposed to the variance request.

Jean Kuras of Torch Bridge Court sent a letter opposed to the variance request.

Public Comment:

Dan Packard of Torch Bridge Court said he's concerned about the size of the deck. The residents around there are concerned about this area but it makes me feel better that this is for workforce housing. When someone asks for a variance they are asking to do something illegal to alleviate a practical difficulty with approval. What should be granted is the minimum. An 8x12 deck is not the minimum required. The intended use is for workforce housing, but once that variance request is granted, short term rentals are an approved use and could be a short term rental overnight.

Sally Bell Mathias of Torch Bridge Court asked if this could never be a short term rental.

Anderson said no. She asked to deny the variance.

The owner said the landing is making it larger to cover one of the air conditioning units. When the snow comes off, it destroys the machines.

Fred Gulik of East Elk Lake Drive said he's in favor of the variance request so he can house his workers and make it easier for him to pay his bills. Sure he bought it knowing, but it's an area not being used and he's found a good use for it. It's been noisy down there forever. Now the DNR is building a new launch down there and it will be just as noisy. This won't change anything or

make it better or worse. Gulik said he has a problem with this board. I don't know how you have the authority to tell him what to do. Guilk read from state statues.

Sally Bell Mathias said the noise has gotten worse in the five years she's lived there.

Lorrea said the business is an easy target for complaints. Renters should shut down by 9 pm. The ordinance permits variance for the uniqueness for the property. There is no other commercial property like this one so it will not set a precedent. If the deck is an issue, we can make it 4x4. We are here to be good neighbors or cause any issues.

Anderson closed public comment and began board deliberations.

Atkinson said the big picture of our job here is if we grant relief to you, we have to do it for everyone. This board has been very consistent with enforcing our ordinances. The minute we say that we will grant a variance to you, but not to everyone else requesting the same relief is when a large problem is created. It appears there are options available to you, and this request doesn't appear to meet any of the standards for granting a variance. It's not easy to say no since we try to support our businesses and I applaud you for trying to get work force housing, but I don't support this variance request.

Hefferan asked Kopriva regarding her report regarding max lot coverage. The lot coverage is only for the building. It's only 5%. The lot is .25 of an acre. She can verify that, but it wouldn't make a difference in this case as the deck wouldn't be included in the calculations.

Hefferan asked the applicant, Scott, your insurance company has said that no one can reside there unless it's the owner? He said he can't have anyone upstairs going in and out of the store unless they were the owners.

Hefferan said looking at the residential uses in buildings, we've seen the situation today. We have no control over what you do with that residence. We don't doubt you, but you may not decide to use it for workforce housing and we can't do anything about that.

Jankowski said you have a non conforming building that wouldn't be allowed today. The deck and the stairway is an enlargement. We disallowed the front porch on the Russell house because it was in the setback. We also didn't allow the raised deck at Rex Terrace because it was an enlargement of the non conformity. With the 50 foot setback, you are surrounded on three sides and you couldn't have anything and abide. He's not in favor of this variance because it wouldn't adhere to our ordinance and would be an enlargement of a non conforming structure.

Burdo said he's concerned about the 50 foot set back from the water. It's a non conforming structure and there is no way to make it conform.

Anderson went through the standards:

No variance shall be granted unless the ZBA makes findings based on evidence that a practical difficulty exists. A review of the standards with determination are as follows:

A. Compliance with the ordinance would prevent the owner from using the property

Atkinson: No

Jankowski: No

Hefferan: No

Burdo: No

Anderson: No

B. A lesser variance would do justice and be more consistent with justice to others

Atkinson: No

Hefferan: No

Burdo: No. There is no real way to provide a lesser variance

Jankowski: No

Anderson: No

C. That the need for the variance is due to unique circumstances of the property

Hefferan: Yes

Atkinson: Yes

Anderson: Yes

Jankowski: Yes

Burdo: Yes, it's unique because it's on a peninsula and has water on three sides.

D. The need for a variance is not occasioned by the actions of the current and/or previous owners. Is the request causing the issue?

Hefferan: Yes

Atkinson: Yes

Anderson: Yes

Burdo: Yes

Jankowski: Yes. The building was built before zoning. The owners didn't cause this issue.

E. That granting of the variance will insure that the spirit of the ordinance is observed and public safety secured

Atkinson: No

Anderson: No

Hefferan: No

Jankowski: No

Burdo: No

Motion to deny the request for variance because of ordinance sections 117.603 B, 117.1104, and 117.502 and because it doesn't meet the standards of granting a variance by Atkinson/Burdo.

Motion carried.

ZBA Member Comments

Jankowski said the sheet he has shows our appointments expired in January. Those were updated with the board.

Atkinson is resigning from the ZBA effective tomorrow. Dick Gray has resigned as well due to

health reasons. Anderson thanked both for their service.

Report from Planning Commission Representative

Hefferan said the master plan survey is being formulated and will go out shortly. ZBA has added two alternates. There has been an application to move RV parks from Commercial to Ag. Steep slopes subcommittee is being discussed.

Adjourn

Motion to adjourn at 8:17 pm by Atkinson/Hefferan. Motion carried.

DECISION & ORDER
Milton Township Zoning Board of Appeals

Application No.: ZBA 2022-01
Project: 7711 Crystal Beach Rd, Parcel Number 05-12-006-044-00
Request: 34 ft West Waterfront Variance, 40 ft East Waterfront Variance, Expand Non-Conforming Structure
Owner: Torch River Shack Rentals, LLC
9100 Preserve Dr | Fenton, MI | 48430

The Board having considered the Application, a public hearing having been held on May 12, 2022, after giving due notice as required by law, the Board having heard the statements of the Applicant/ Applicant’s attorney and agents, the Board having considered letters submitted by members of the public and comments by members of the public, the Board having considered exhibits and the Board having reached a decision on this matter, states the following:

I. OVERVIEW

General Description

The applicant is requesting a two waterfront setback variances and an expansion of a non-conforming structure. The request is to allow for the construction of a stairway and landing that would be located 16.88 feet and 9.77 feet from the water’s edge. The existing structure on the site is non-conforming because it was constructed in the required setbacks.

Existing Conditions of Subject Property	
Zoning	Area
V: Village	.255 acres
Existing Uses	
Commercial/Residential	
Existing Permits / Prior Approvals	
Nothing on File	
Site Conditions	
Relatively Flat. Contains commercial building, gravel parking area, and boardwalk for boat access	

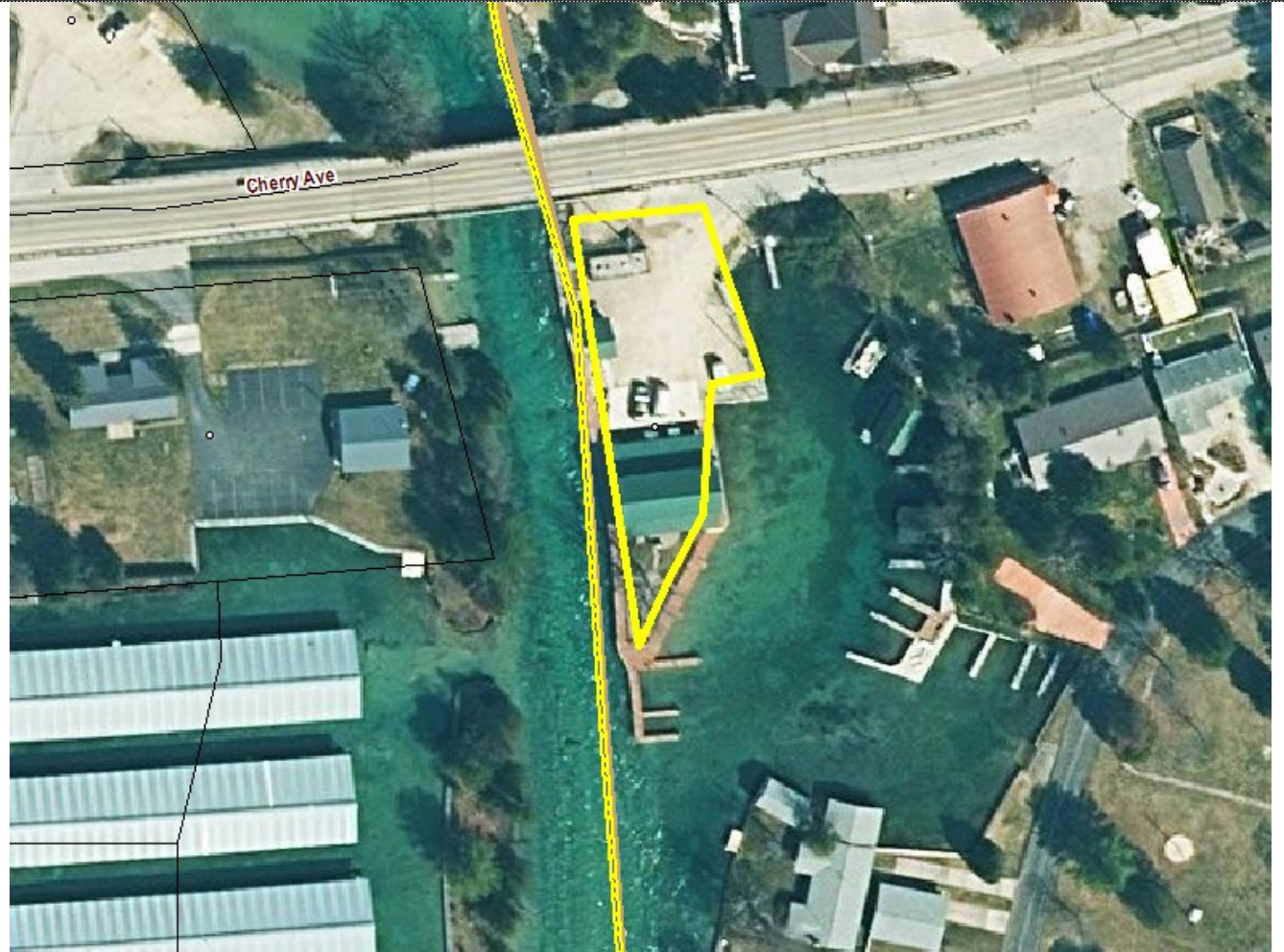
Subject Property Location

Address	Parcel Number
7711 Crystal Beach Rd	05-12-006-044-00

Legal Description

COM 486 FT W AND 889 FT N OF THE SE COR OF GOV LOT 2, BEING POB FOR THE PLAT OF PERSONS ADD TO PERSONS HARBOR, CLEARWATER TWP, KALKASKA CO, TH ALG SD PLT S 83 DEG W 726 FT, TH N 79 DEG W 68.50 FT, TH S 81 DEG W 53.50 FT, TH S 69 DEG W 33 FT, TH S 43 DEG W 56.50 FT, TH S 56 DEG W 374 FT, TH S 70 DEG W 375 FT, TH N 25 DEG W 110 FT TO THE NW COR OF LOT 1; BLK 1 OF PLAT AND SLY R/W OF CRYSTAL BEACH RD; TH S 82 DEG W 128.30 FT TO THE POB; TH S 23 DEG E 89.75 FT, TH S 77 DEG W 28.10 FT, TH S 01 DEG E 66.61 FT, TH S 27 DEG W 39.30 FT, TH S 18 DEG W 34.72 FT, TH N 12 DEG W 218.60 FT TO THE SLY R/W FOR CRYSTAL BCH RD, TH N 82 DEG E 67.55 FT TO THE POB, BEING PT OF SD SEC 6 SEC 6 T28N R8W

Aerial Image



(Source: Antrim County)

Adjacent Zoning & Land Uses		
Location	Zoning	Land Use
North	R-1	Single Family Dwelling (Clearwater Twp, Kalkaska County)
East	R-1	Single Family Dwellings (Clearwater Twp, Kalkaska County)
South	R-1	Single Family Dwelling (Clearwater Twp, Kalkaska County)
West	V	Marina

§ 117.603, B Schedule of Regulations and Dimensions		
§ 117.704		
Standard	Requirement	Proposed
Minimum Lot Size	20,000 sq ft	11,107 sq ft
Minimum Parcel Width	100 ft	62 ft
Maximum Height	3 stories / 40 ft	2 stories
Front Setback	50 ft	Existing
Side Setback	10 ft	N/A
Rear Setback	25 ft	N/A
Minimum Dwelling Floor Area	960 sq ft	N/A
Minimum Exterior Dwelling Dimension	20 ft	N/A
Maximum Lot Coverage	40%	Approx. 17%
Minimum Waterfront Setback	50 ft	Varies

II. SUBMITTED APPLICATION MATERIALS

The table below present the items submitted with the application for the proposed project. These items have been reviewed in accordance with the processes set forth in the Zoning Ordinance.

Additional Documentation
Submitted With Application Packet
<ul style="list-style-type: none"> - Application for Hearing/Notice of Appeal - Survey - Narrative

III. Notices

15 Day Deadline- April 28, 2022
Publication
Elk Rapids News- April 21, 2022
300 Foot Notices
Mailed April 14, 2022


IV. ZONING ORDINANCE REVIEW

No variance in the provisions or requirements of this Zoning Ordinance shall be granted or authorized unless the Zoning Board of Appeals makes findings, based upon competent material, and substantial evidence on the whole record that a practical difficulty exists that prevents compliance with the requirements of this ordinance. In reaching such a finding, the Zoning Board of Appeals must find that all of the following standards are met:

§ 117.2205 Variances	
Standard	Finding
a. That strict compliance with area, setbacks, frontage, height, bulk or density requirements of this ordinance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome;	The Zoning Board of Appeals finds that there are other alternatives available to the applicant. There are other options for the stairway and the applicant can use the space for another use (such as storage) instead of the proposed employee housing which is causing the need for the variance. The Board finds that this standard has not been met.
b. That the requested variance, or a lesser variance, would do substantial justice to the applicant as well as to other property owners in the district and give substantial relief and be more consistent with justice to others; provided, however, that existing non-conforming conditions on nearby properties shall not be regarded as a basis for granting a variance that would not otherwise meet the requirements of this section;	The Zoning Board of Appeals finds that there are inside options available for the stairway that would not require a variance request. The proposed location of the stairway does not offer a lesser variance request and the structure is already located in the setback. The Board finds that this standard has not been met.
c. That the need for the variance is due to unique circumstances characteristic of the property;	The Zoning Board of Appeals finds that this is a unique property as it is a peninsula with water on 3 sides of the property. The current structure is non-conforming. The Board finds that this standard has been met.
d. That the need for the variance is not occasioned by the actions of the current and/or previous owners, and	The Zoning Board of Appeals finds that this structure was built prior to zoning in the current layout. The Board finds that this standard has been met.
e. That the granting of the requested variance, or a lesser variance will insure that the spirit of the Ordinance is observed and public safety secured.	The Zoning Board of Appeals finds that this variance request does not meet the spirit of the Zoning Ordinance. The Board finds that this standard has not been met.

V. DECISION

Motion by Atkinson and seconded by Burdo to deny the request for variance because of the ordinance sections 117.603 B, 117.1104, and 117.502 and because it doesn't meet the standards of granting a variance. Motion carried.



Don Anderson, Chairperson
Milton Township Zoning Board of Appeals


Date Signed

MCL 125.3606 provides that any party aggrieved by a decision of the Zoning Board of Appeals may appeal that decision to the Circuit Court within thirty (30) days after the Zoning Board of Appeals decision in writing is signed by the Chairperson.

Date: 08.01.2024
From: Sara Kopriva, AICP
To: Milton Township Zoning Board of Appeals
Project: ZBA 2024-01


initiative

The applicant has requested an interpretation of the zoning ordinance regarding the application of front setbacks to corner lots that have more than one property line abutting a right-of-way (road easement). Unlike a variance request, an interpretation is a review of the ordinance to determine if the language is unclear or inconsistent, it does not specifically apply to one property. Like this request, interpretations typically start with a project and additional clarifications may be needed. You can use the example included in the application but the interpretation will apply to all properties that have similar situations.

The Zoning Board of Appeals will need to rely on the language and definitions in the zoning ordinance as well as a dictionary if a term is not defined in the zoning ordinance.

Beckett & Raeder, Inc.
535 West William
Suite 101
Ann Arbor, MI 48103

734.663.2622 ph
734.663.6759 fx

www.bria2.com

Petoskey Office
113 Howard Street
Petoskey, MI 49770

231.347.2523 ph
231.347.2524 fx

Traverse City Office
148 East Front Street
Suite 207
Traverse City, MI 49684

231.933.8400 ph
231.944.1709 fx

Grand Rapids Office
5211 Cascade Road SE
Suite 300
Grand Rapids, MI 49546

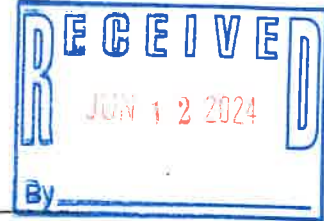
616.585.1295 ph

Milton Township
Zoning Board of Appeals

\$500
PA
6/13/24

APPLICATION FOR HEARING / NOTICE OF APPEAL

ZP 2024-01



OWNER:

AGENT:

Name Steve and Ann Pearsall

Name _____

Street 12172 SW Torch Lake Drive

Street _____

City Rapid City, MI 49676

City _____

Telephone/FAX 231-676-4578

Telephone/FAX _____

Mailing Address 12172 SW Torch Lake Drive Rapid City, MI 49676

I. ACTION REQUESTED:

I (we) the undersigned request a hearing for the purpose indicated below:

- _____ Dimensional Variance
- _____ Ordinance or Map Interpretation
- _____ Appeal of Administrative Decision

The applicant / appellant requests: Dimensional variance to add a laundry area and ADA compliant bathroom

II. PROPERTY INFORMATION:

A. Property Tax Number ~~05-12-080~~ . 012 . 00

05-12
006-015-00

B. List all Deed Restrictions or attach a copy Attached _____

C. Attach a SITE PLAN, with the proposed location of the building, measurements, and all other pertinent information. (See "Example: SITE PLAN" attached)

D. Give any special directions required to locate your property: _____

E. Present use of property is: Residential

Date: June 10, 2024

To the Milton Township Zoning Board

In 1996 we moved from Fairbanks, Alaska, to be closer to my husband's aging parents and grandparents. My husband, Steven, had been offered a position as Air Traffic Controller at Cherry Capital Airport and accepted. We chose this area so that our son, who graduated in 2002, could attend the Elk Rapids School District.

When we purchased this home, we had intended it to be a starter home for us; however, it is our only home, and we enjoy where we live and have good neighbors.

Three years ago, we were granted a building permit and added a four-season sunroom. We had hoped to have the bath and laundry built at the same time, but it was at the start of COVID, and we had problems finding a plumbing contractor. Therefore, we decided to build only the sunroom in 2020, with the intent to build the bath and laundry a few years later. Our home was small when we purchased it, and with this addition, we are now a little over 1,300 square feet.

In the spring of 2023, we had plans drawn up for a 16'x10' addition to include a laundry area and bathroom that would be ADA compliant if one or the other were to lose our mobility. This would provide us a main floor bathroom and laundry. Currently, each month, we travel to Harbor Springs to pick up my husband's mother who is 90 and mobility challenged. She is with us for one week, each month, and sleeps in the sunroom because she cannot safely navigate the stairs. This necessitates the need to carry her up and down the stairs to use the bathroom. My parents, who are in their 90s and live in another state, have modified their home to include a bath and laundry on the main level. We are quickly realizing we will need to do the same because of the aging process.

We hope to remain in this home through the end of our life and are asking you for a reinterpretation of the ordinance that places a 50' setback on three of the four sides of our home, as we desire to build a 16'x10' addition on the north side. We have considered building this addition on either the east or west side of this home but we do not have the space needed or are encumbered by setbacks there also. The primary purpose of this addition is to assist with the aging process; however, we also want to retain the appearance and value of our home. We do not want to add an addition that does not enhance this property or our neighbors' properties.

We understand the Zoning Board's concern with controlling building in Melton Township and providing access for emergency and utility vehicles to homes; however, there is Michigan case law such as *Bevan v. Brandon Twp.* which restricts the townships reach in applying regulatory taking of a landowner's property. Due to the Ordinance cited for denial of our building permit, our property is now 81% unbuildable. We question whether this decision has constituted an unreasonable taking of our land.

We would not make this request if we felt we had other options. We are asking the members of the Zoning Board to work together with us to come to an amicable solution. One which would allow us to build a main level laundry and ADA compliant bath, allowing us to remain in this home through the end of our life.

Thank you for your consideration in this matter.

Steve and Ann Pearsall

Section #1 - Justification for Ordinance or Map Interpretation

We have requested a permit to build a bath and laundry on the north side of our home to assist with the aging process. This permit request was denied citing Ordinance 117.603, B9, which dictates setbacks on corner lots.

Our property consists of two non-conforming lots, Lot #05-12-680-012-00 and Lot #05-12-006-015-00, with a combined square footage of 24,696. The smallest lot fronts SW Torch Lake Drive, the north 41' was used to provide an access driveway to the three lots on the west side of our property. The second lot contiguous to the west side of the first lot is the parcel that our home is built upon. Current ordinances require 25,000 square feet to be considered conforming. Neither of our lots conform to that size requirement. Therefore, we are asking if it is fair to apply a modern-day ordinance to our grandfathered lots? If both lots are considered in tandem, and the 50' setback is applied to three of the four sides of our property, as per 117.603, B9, we would be deprived of a total of 19,992 square feet, which results in 81% of our property being unbuildable.

Ordinance 117.603, B9 states **"On corner lots, a front yard setback shall be measured along both rights-of-way, unless a lesser setback is specifically permitted herein and a 10' setback shall apply to all other lot lines"**.

We feel this is an unnecessary burdensome with regards to our lots and hinders our ability to build additional footage to our home, which will be necessary for us to remain in our home as we age.

Under 117.603, B9, **"A front yard setback should be measured on both rights-of-way"**. This provision was created with a corner lot in mind that fronted two of the four sides of any given lot. In our circumstances, it has been applied to two corners of our lot and affects three of the four sides of our property. We feel this provision was written for a lot with a single corner. If applied to our lot, it would result in two corners and affect three of the four sides of our property. No where in the Ordinance does it specifically address a lot that has three of the four sides fronting a right-of-way.

Therefore, we are requesting that a 50' setback be applied to the east and west sides of our lot and a 10' be applied to the south and the north sides of our lot.

There is a Deed, recorded in September of 1978, for the property that the private driveway follows, recorded with three grantees, with three individual tax numbers, the taxes of which are paid annually. This private drive is not maintained by the township, county, or state and we, and these grantees, question whether this should be considered a right-of-way? All on this deed have expressed to us no concern over our desire to build this addition and do not feel that it affects their private drive in any way. Any unforeseen future extension of this private drive would need to be predicated on all three of these property owners ceding their property interest to the township or the county.

It is our understanding that the purpose of a zoning ordinance is to control the type and intensity of development allowed. We desire to build a small bath and laundry off the north side of our home, which will not be used for commercial or rental use. If we are permitted to build this addition, the structure in no way would affect or obstruct any roadway or line-of-sight. This addition would impact only our home and no others. We do not feel that by adding this addition it would essentially alter the character of the surrounding area, nor do we believe this construction will increase hazards from fire, floods, or similar dangers.

III. JUSTIFICATION FOR GRANTING A DIMENSIONAL VARIANCE:

The applicant must show that strict application of the provisions of the zoning ordinance to the property would result in *practical difficulty*; That the variance would do *substantial justice* to the applicant and other property owners affected; That the plight of the owner is due to *unique* characteristics; and, That the problem is not *self-created*.

A. Will strict compliance with the requirements of the Ordinance result in *practical difficulty*, depriving the applicant use of the property for a permitted purpose enjoyed by other owners in the same zoning district? _____

N/A

B. Will the variance requested (or a lesser, agreed variance) render *substantial justice* to applicant and to other property owners affected? _____

N/A

C. Is the plight of the applicant due to *unique* characteristics of the property? _____

N/A

D. Has the need for the variance been *self-created* by some action of the applicant or previous owner? _____

N/A

IV. THE APPLICANT USUALLY PRESENTS INFORMATION SHOWING THAT THE REQUESTED VARIANCE:

- A. Will not be contrary with the intent and purpose of the Zoning Ordinance;
- B. Will not cause a substantially adverse affect upon adjacent properties;
- C. Will relate only to the property under control of the applicant;
- D. Will not essentially alter the character of the surrounding area; and;
- E. Will not increase the hazard from fire, flood or similar dangers.

V. AFFIDAVIT:

The undersigned acknowledge that if a change is granted or other decision favorable to the undersigned is rendered, the said decision does not relieve the applicant from compliance with all other provisions of the MILTON TOWNSHIP ZONING ORDINANCE;

The undersigned certify that answers and statements herein contained and the information herewith submitted are in all respects true and correct to the best of his/her or their knowledge and belief; and,

The undersigned acknowledge that he/she/they are either the owners or the owner's agent and have authority to and do hereby grant permission and consent for any Milton Township official and/or Milton Township Agent to ENTER UPON THE SUBJECT PROPERTY in preparation for the Public Hearing.

Applicant(s) Signature(s)
Ann M. Peapack
Stephanie
Date 4-5-2024

Authorized Agent Signature

Date _____

[Click here to go to next page](#)

LEGAL DESCRIPTION:

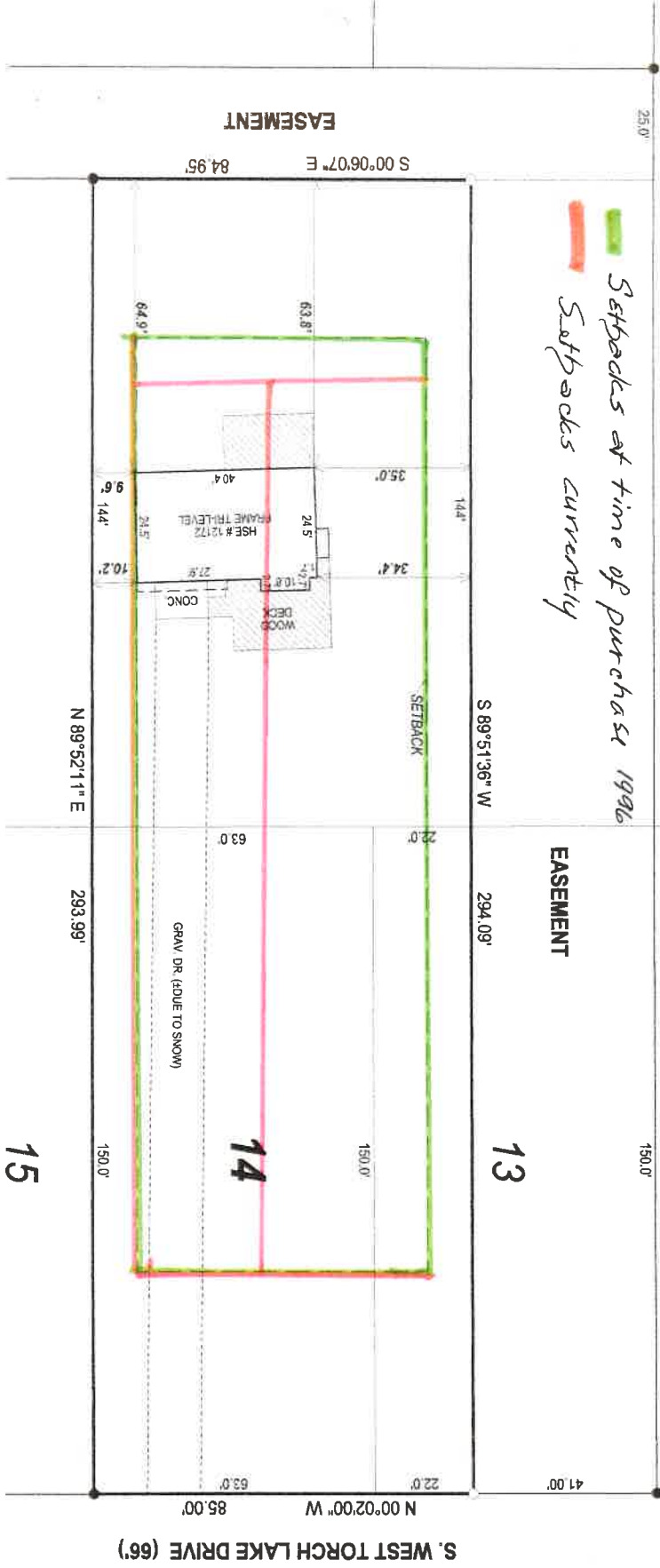
Milton Township, Antrim County, Michigan

The South 22 feet of Lot 13, also Lot 14, Plat of LYNNSDALE ACRES, according to the recorded plat thereof AND a parcel of land in Government Lot 7, Section 6, Town 28 North, Range 8 West, more fully described as: the East 144 feet of the South 84.95 feet of the South 126 feet of the North 915 feet of the West 477.3 feet of said Government Lot 7.

SETBACKS
 50'- FRONT
 35'- REAR
 10'- SIDE

LEGEND
 ● = IRON FOUND
 ○ = IRON SET

Setbacks at time of purchase 1996
Setbacks currently



Randy M. Wendland
 RANDY M. WENDLAND
 LICENSE NO. 39089
 PROFESSIONAL SURVEYOR
 STATE OF MICHIGAN



RECEIVED
 JUN 12 2024
 By _____

WENDLAND SURVEYING, P.C. P.O. Box 7149 Traverse City, Michigan 49696-7149 Phone: (231) 933-9126 Fax: (231) 933-9127	PREPARED FOR: STEVEN L. & ANNE M. PEARSALL		Date: 12-20-13
			File No. 13236
			Sheet 1 of 1

MILTON TOWNSHIP

MILTON TOWNSHIP
P.O. BOX 309 7023 CHERRY AVE.
KEWADIN, MI 49648

PHONE: (231) 264-6697 FAX: (231) 264-6728

NOTICE OF PUBLIC HEARING

Dear Township Residents:

July 8, 2024

Please note the Milton Township Zoning Board of Appeals will hold a Public Hearing on Thursday August 8, 2024 at 7pm at the Milton Township Offices located at 7023 Cherry Avenue Kewadin, MI 49648 to hear the following interpretation request:

ZBA request: 2024-01 Pearsall

Owner: Pearsall, Steven L and Ann M
Address: 12172 S West Torch Lake Drive
Rapid City, MI 49676
Property Tax #: 05-12-006-015-00

Request for interpretation of: Section 117.603, B; item #9 "On corner lots, a front yard setback shall be measured along both rights-of-way, unless a lesser setback is specifically permitted herein and a 10-foot setback shall apply to all other lot lines. Setbacks shall be measured from any recorded access easements or any right-of-way adjacent to or traversing a parcel, whether the easement or right-of-way is developed or unimproved, and even when not serving as the primary access."

All persons are welcome and will be heard concerning the application. A copy of the application, Township Zoning Ordinance and Zoning Map are available for public view and/or purchase at the Milton Township Office, 7023 Cherry Ave., Kewadin, MI 49648 Telephone (231) 264-6697 or Township website www.milontownship.org.

Written comments will be received until noon on Thursday, August 8, 2024 and should be addressed to Zoning Administrator, P.O. 309 Kewadin, MI. 49648 or miltonzoning@gmail.com.

Milton Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who plan on attending. Contact the Township Clerk at (231) 264-6612 as soon as possible.

THIS IS WHAT THE ZBA WILL
INTERPRET