

**NOTICE OF APPEAL FORM  
TORCH LAKE TOWNSHIP  
ZONING BOARD OF APPEALS  
(Revised 1/9/19)**

Torch Lake Township  
Zoning Board of Appeals  
PO Box 713  
Eastport, Michigan 49627  
231-599-2036  
231-599-2981 Fax

**FOR OFFICE USE ONLY**

Appeal Number: ZBA 2019-3  
 Appeal Category:  
 a. Variance:   
 b. Interpretation: \_\_\_\_\_  
 c. Appeal of a Decision: \_\_\_\_\_  
 Date ZA received appeal: 8-12-19  
 Date ZA inspected property: 8-12-19  
 Date ZA verified completeness of appeal form: 8-12-19  
 Date ZBA received completed form: \_\_\_\_\_  
 Fee Received: Amt: \$ 200.00  
 Date: 8-12-19  
 HEARING DATE: 9-11-2019  
 APPROVED: \_\_\_\_\_ DENIED: \_\_\_\_\_  
 APPROVED, WITH CONDITIONS: \_\_\_\_\_

Before you begin filling out this form.....

Read through the "Guidelines - Appeal Application" included with this appeal form. We are strict about compliance with these guidelines because they help us to better understand your request. Failure to accurately complete this form WILL RESULT in a delay to this process. If there is any part of the guidelines or application that you do not understand, do not hesitate to contact the Zoning Administrator with your questions(s). Because it is unusual for an applicant not to have questions before completing this form, we recommend that you start this process as soon as you know you will be seeking an appeal. If a question does not apply to your request, mark the form N/A. Add extra sheets as necessary to explain the request.

A site plan drawn to scale, showing lot, setback, and building lines, significant angles and dimensions, and other details relevant to the matter (waterfront, well and septic locations, roads, topographic features, front side and bird's eye views of proposed structures, easements, etc. when applicable.)

1. Applicant Information:

PATRICK T RAPIN  
DONNA F RAPIN  
 First Name Middle Initial Last Name  
12304 PINE RIDGE TRAIL  
 Number Street Apt. Number  
KEWAUIN MI 49648  
 City State Zip Code  
 Home Phone: 2489390267 Work Phone: 6164073776 E-Mail: ddrapin@aol.com  
 Area Code/Number Area Code/Number

2. Reason for Appeal—Check one of the following:

- A.  Zoning Variance: Complete Sections 1, 2, 3, 4 and 5  
 B. \_\_\_\_\_ Zoning Ordinance Interpretation: Complete Sections 1, 2 and 6  
 C. \_\_\_\_\_ Appeal of Zoning Administrator's Decision: Complete Sections 1, 2, 3 and 6.

3. Property Information (add additional sheets if necessary):

Property Address: 12304 PINE RIDGE TRAIL  
Number Street  
KEWADIN MI 49618  
City State Zip Code

Property Tax ID # 0014 32405 350

Platted (Registered Subdivision) name PINE RIDGE

Un-platted name (if any) \_\_\_\_\_

List any deed restrictions that are affected by this request and attach a copy of same.

\_\_\_\_\_  
\_\_\_\_\_

Directions to the property: (begin at intersection of US 31 and M 88)

31 S to PINE RIDGE TRAIL  
\_\_\_\_\_  
\_\_\_\_\_

Names, addresses and phone numbers of all persons having a legal or equitable interest in the property. (Appeals must be signed by the owners of record or an agent authorized in writing [attach copy] by the owners of record).

DONNA E RAPIN  
PATRICK T RAPIN  
\_\_\_\_\_

Current zoning of the property: R-1

Current use of the property:

LAKE FRONT HOME  
\_\_\_\_\_  
\_\_\_\_\_

4. Zoning Variance

No dimensional variance from the provisions or requirements of the Zoning Ordinance shall be authorized by the Zoning Board of Appeals unless the Zoning Board of Appeals makes findings of fact, establishing all of the following, based upon competent material and substantial evidence on the whole record. These criteria are a part of the Zoning Ordinance (Chapter XX Section 20.01 to 20.11) and are used by the Zoning Board of Appeals in the determination of the merits of a request for a variance from the zoning ordinance:

- a. That special conditions or circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to most other lands, structures or buildings in the same zoning district; and,

- b. That literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zoning district; and,
- c. That the special conditions or circumstances do not result from the actions of the applicant; and,
- d. That the authorizing of such variance will not be of substantial detriment to the neighboring property and will not be contrary to the spirit and purpose of this Zoning Ordinance.

No nonconforming use of neighboring lands, structures or buildings shall, in itself, be considered grounds for the issuance of a variance. It is recommended that the applicant look at the entire section of the zoning ordinance pertaining to variance requests.

Note: Approval or disapproval of this request by adjoining property owners, although a part of the Zoning Board of Appeal's consideration, does not in and of itself constitute grounds for approval or disapproval.

5. Variance request details including reasons for the same.

- A. State in detail the variance from the zoning that you are seeking. Reference that part of the zoning ordinance to which your request applies.

REQUEST SETBACK CHANGE FROM 35'  
 TO ~~17.5 FT~~ TO 13.5 FT.  
 DUP

- B. State, in detail, the reason(s) for the variance. Include any and all scale drawings (see sample drawing included in ZBA Guidelines) and other information necessary to understand the request. (Use additional pages if necessary).

GARAGE LARGE ENOUGH TO FIT  
 21.5 FT BOAT WITH TRAILER  
 AND CLASSIC CAR (LARGE)  
 ON 50' OF PROPERTY (DEPTH)  
 ONLY 50' DUE TO ELECTRICAL  
 EASEMENT and ROAD RIGHT OF  
 WAY

- C. State in detail how you believe you satisfy each of the following four criteria. All four conditions must be met in order to receive a variance.

- 1. Identify, in detail, all special conditions or circumstances that exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

ONLY 50' DEPTH DUE TO ROAD RIGHT OF WAY  
 AND ELECTRICAL EASEMENT

2. State in detail why literal interpretation of the provisions of the Ordinance would deprive the applicant of property rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance.

GARAGE AREA TOO SMALL TO BUILD  
OK IF YOU INCLUDE 35 FT SETBACK.

WILL NOT INTERFERE WITH VIEW  
OR OTHER HOME (LAND BEHIND IS SWAMP)

3. Establish how it is that the special conditions or circumstances do not result from the actions of the applicant.

SETBACK MUST BE REDUCED  
TO MAKE A BUILDABLE LOT  
DUE TO ELECTRIC EASEMENT

4. Demonstrate in detail that the authorizing of the requested variance will not be of substantial detriment to the neighboring property and will not be contrary to the spirit and purpose of this Zoning Ordinance.

LAND IS SWAMP BEHIND  
NOT SUITABLE FOR BUILDING,  
DOES NOT INTERFERE WITH  
HOMEOWNER'S VIEW OF LAKE

6. Zoning Ordinance Interpretation/Appeal of Zoning Administrator's Decision (Not for use with variance appeals). Be sure to include the following information:

- Zoning Ordinance Chapter(s), Title(s) and Sections that are in question.
- Detailed explanation and history of request.
- Clearly stated explanation of what you believe to be incorrect or open to interpretation.

SECTION 5.04 SCHEDULE OF REGULATIONS MAY 19 2011

HOME WAS ADVERTISED IN LISTING WITH LOT  
SUITABLE FOR POLEBARN (GARAGE) OR NEW SEPTIC  
TREES CAME DOWN ON SHED, SITED REMOVED.  
MORE TREES CAME DOWN AND REMOVED.  
SITE WAS EXCAVATED FALL 2018 and  
SPRING 2019 (\$10,000.) TREE/SHED REMOVAL  
MADISON # 7001 MOVED FROM CENTRAL LAKE

UNAWARE OF 35' SETBACK RULE UNTIL  
WENT TO GET BUILDING PERMIT AUGUST 2019  
FOR OCTOBER BUILD DATE OF GARAGE.

HA

UNAWARE OF 35' SETBACK RULE UNTIL WENT  
TO GET BUILDING PERMIT AUGUST 2019  
FOR OCTOBER BUILD DATE OF GARAGE

The applicant(s) agrees and certifies that the information supplied in this application is accurate and true. This includes any additional material introduced before a final decision related to this appeal is rendered by the Zoning Board of Appeals. The applicant(s) understand that they are solely responsible for all material submitted. The Zoning Board of Appeals will be held harmless for any decision or finding based on inaccurate information or documents which do not include all pertinent information or which do not truthfully or fully represent the facts and conditions related to the request.

Further, it is understood by the applicant that, in signing this application form, he/she is allowing reasonable access to the property to which this application applies for both initial inspection(s) and subsequent/final inspections to ensure compliance. Please make sure all property lines are clearly marked and if on Grand Traverse Bay, the Ordinary Highwater Mark (OHWM 580.5') is staked. In addition, if the applicant is not the owner of the property, he/she must have permission, in writing, of the owner to carry out the application requirements of the variance request. The owner's written permission is to be included with this application.



**Return this completed form to the Zoning Administrator at least 30 days prior to the scheduled hearing.**

**Be Aware.....**

Zoning permits issued by the Torch Lake Township Zoning Administrator and zoning variance requests approved by the Torch Lake Township Zoning Board of Appeals for properties located in Torch Lake Township are not to be construed to be the only necessary permits for the intended activity in Torch Lake Township. Property owners are responsible for determining and obtaining from the various governmental agencies all necessary permits for the intended activity. These may include county permits covering soil erosion, building, wetlands and county road access. State of Michigan permits may include wetland permits, high-risk erosion permits for properties along Lake Michigan, critical dune permits and various permits associated with commercial development. An Army Corps of Engineers permit may be required for activities that effect wetlands along Lake Michigan. The coordination of such permits is also the responsibility of the property owner. Torch Lake Township is not responsible for any other such permits.

**SITE PLAN DRAWING REQUIREMENT:**

To the Applicant: Provide a drawing that shows the dimensional variation from zoning that you are seeking. Members of the ZBA, because of their experience, may have a more conforming, and often better, way for you to obtain the variance sought. To do this requires, what may seem to you, more information than you feel is needed. When done with the drawing, you might show the drawing to the Zoning Administrator for his/her input. Incomplete or lacking information can result in delays.

|                                                                                     |         |
|-------------------------------------------------------------------------------------|---------|
|  | 8-12-19 |
| Applicant Signature                                                                 | Date    |
|  | 8-12-19 |
| Applicant Signature                                                                 | Date    |

\_\_\_\_\_  
Authorized Agent/ Representative Signature\*    Date  
\*Attach authorization letter

Torch Lake Township PO Box 713 Eastport, MI 49627

2355 N US 31, Kewadin MI 49648

APPLICATION FOR ZONING PERMIT

Permit# 2019-42

PROPERTY INFORMATION

Parcel #: 05-14-32405350
Property Address: 12304 PINE RIDGE TRAIL KEWADIN MI 49648
Waterfront: Torch Lake [X] GT Bay [ ] None [ ]
Within 500 feet of a Lake, River, or Stream? Yes [X] No [ ] Soil Erosion Permit #:
Property contain: H.R.E.A. [ ] Wetlands [ ] Critical Dunes [ ] NA: [X]
Zoning District: VB [ ] VR [ ] R-1 [X] R-2 [ ] R-3 [ ] AG [ ] C [ ] M [ ] Timber [ ]

PROJECT INFORMATION

Type of Development: [ ] New Home [X] Garage [ ] Acc. Bldg. [ ] Addition [ ] Deck [ ] other
Description/Intention: GARAGE (2.5 car) PLUS STORAGE AREA ABOVE
Lot: width: 72 depth: 50 area: Width thru bldg. core:
Setbacks from Prop. Line: front: 106 rear: 13.5 left: 23 right: 18
Structure width: 32 depth: 30 height: 27
Foundation: Full Basement [ ] Partial Basement [ ] Crawl [ ] Slab [X]

APPLICANT INFORMATION

Owner Name: DONNA RAPIN / PATRICK RAPIN Phone: 248 939 0267 / 248 939 0263
Mailing Address: 6330 Scarborough Dr SE Ada, MI 49301 Email: ddrapin@aol.com / peforac@aol.com
Contractor: Billie Russell Const. Phone: 231 649 1438
Mailing Address: Email:

Application must be submitted with a drawing, showing the actual lines, angles and dimensions of the lot to be built upon or used, and the exact size and location on the lot of all existing and proposed structures and uses, together with specifications. Construction will agree with permit, plan, and township zoning ordinance, and will comply with local, state, and federal laws. Owner and applicant agree to halt construction if conflict arises. Contact zoning administrator for staking inspection prior to construction. Permit expires in 12 months if work not started and 18 months from date of issuance. If extension is needed contact zoning administrator. Setbacks are measured from farthest protrusion of structure such as eaves or balconies, but not gutters. Permission granted to Zoning Administrator to access property. Attach 8 1/2 x 11 Site Plan. Copy of permit to be posted on site.

Applicant/Agent: [Signature] Date: 8-12-19

OFFICE USE ONLY

Approved: [ ] Denied: [ ] Fee Paid: \$150.00 / 150.00 Date: 8-12-19 Permit#: 2019-42
Zoning Administrator: Date:
COMMENTS: pending ZBA appeal ZBA 2019-3 9-11-2019

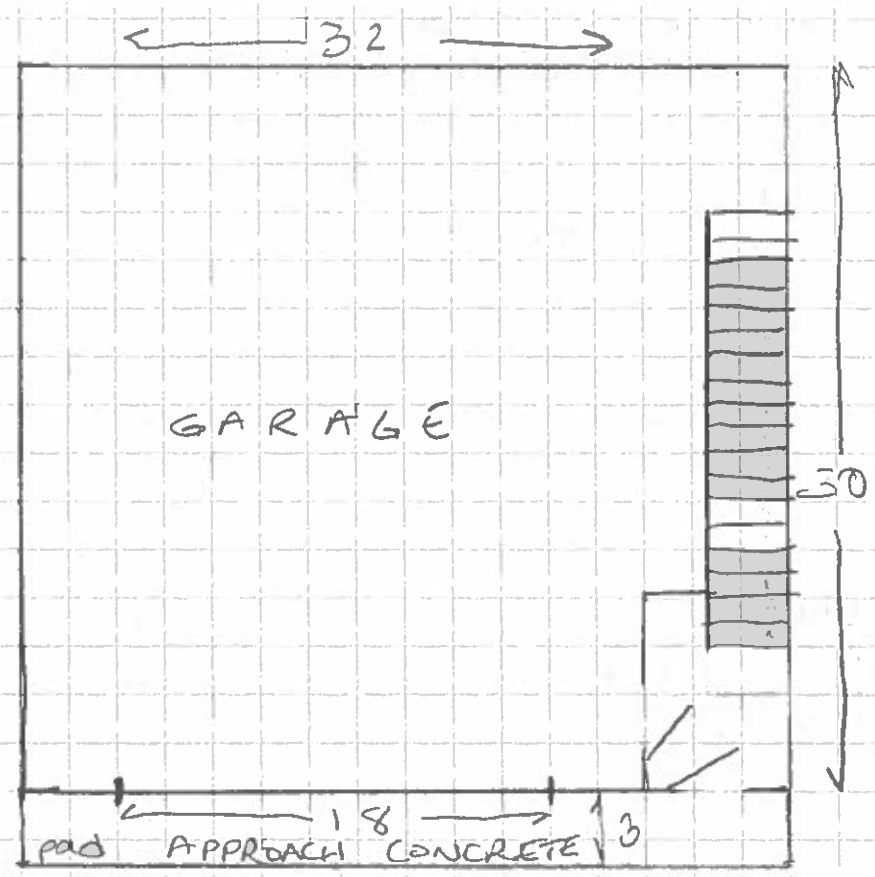
RAPIN  
12304  
PINERIDGE  
TRAIL

OS 14 324 053 SU

DREAMHOME SOURCE.COM  
PLAN 23-623 (MODIFIED)

GARAGE 32 x 30

1 ST STORE



SCALE  
1 square = 2 ft

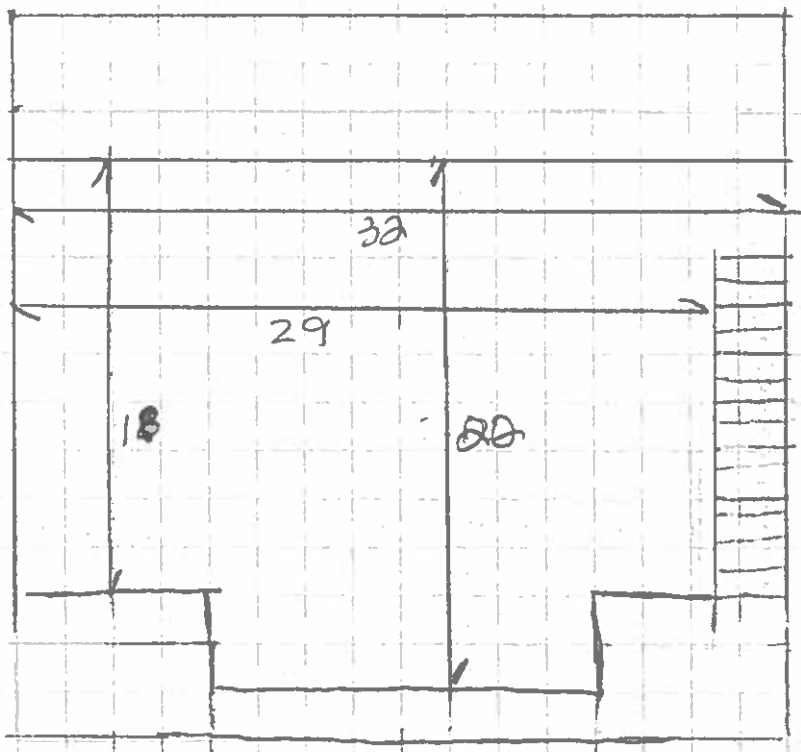
PATRICK TRAPANI *PTP* 8/12/19  
DONNA RAPIN *Donna* 8/12/19

12304 PINERIDGE TRAIL OS 14 324 053 SU



UPPER FLOOR  
12304 PINE RIDGE TR.

# UPPER FLOOR (MODIFIED)



SCALE  
1 □ = 2 ft.

## UPPER LEVEL MODIFIED FROM PLAN

- NO CANTILEVER 4 ft
- SMALLER DORMER
- NO ROOMS KITCHEN
- BATHROOMS
- LIVING
- BEDROOMS
- LAUNDRY

STORAGE ONLY  
NON FINISHED

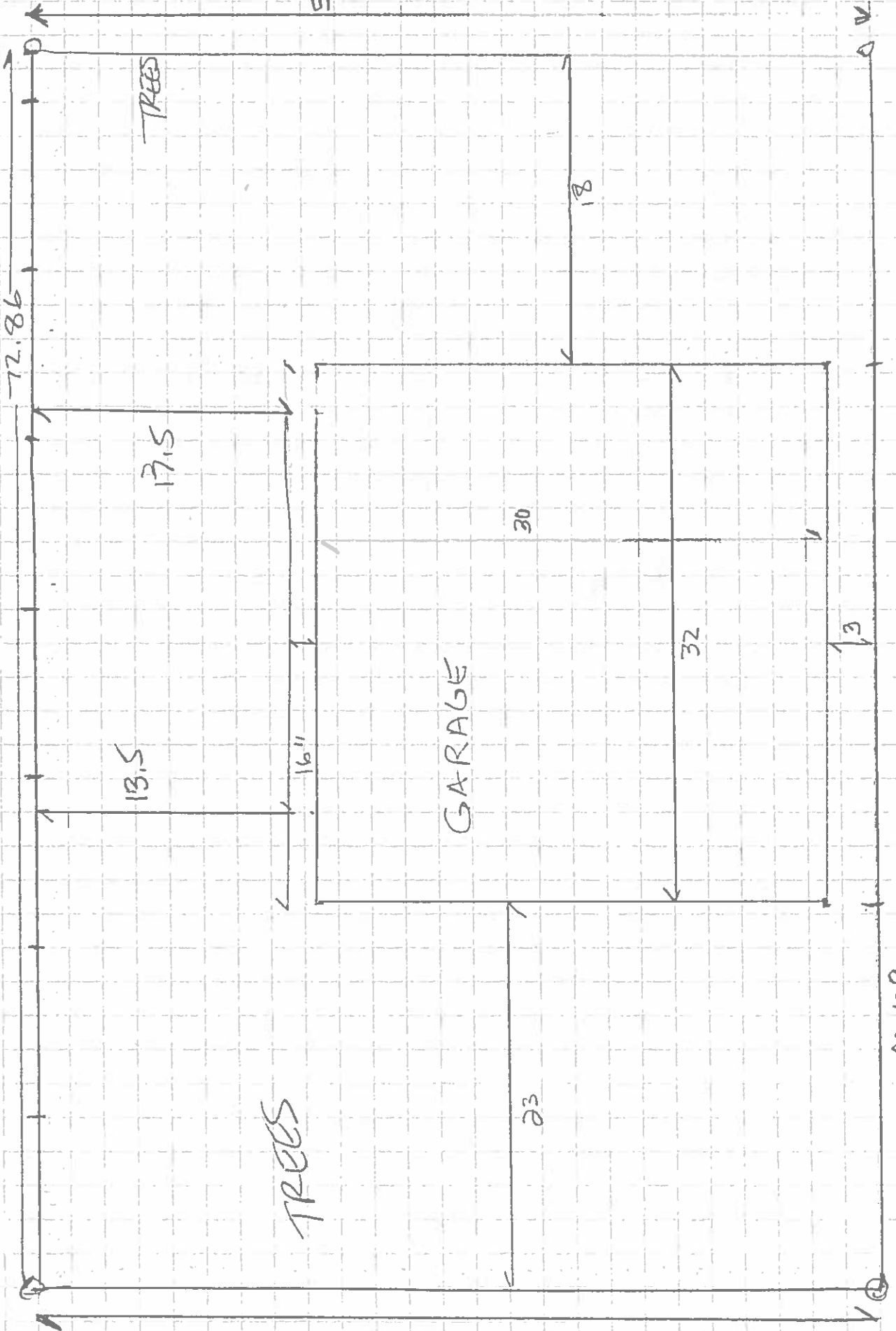
PATRICK T RAPIN  
DONNA E RAPIN

8/12/19  
8/10/19

12304 PINE RIDGE TRAIL US 14 324 05350

SCALE 1" = 2'0"

WOODS



ELECTRICAL ROAD

RE 09

ROAD

50

4 1/2' EASE OF GRAPHING LOT WAS DRAWN AS SQUARE - HOWEVER IT IS ACTUALLY A CURVED LOT SO SET BACK IS AVERAGED AT 17.5 BUT MAY GO DOWN TO 13.5 DUE TO CURVATURE. (PLUS OR MINUS 2.5 FT DUE TO CURVE)

