

BOYNE CITY
ZONING BOARD OF APPEALS MEETING
Tuesday, March 1, 2016
5:00 P.M.
Boyne City Commission Chambers, City Hall



Scan QR code or go to
www.cityofboynecity.com

*click on Boards & Commissions for complete
agenda packets & minutes for each board*

1. CALL TO ORDER AND ROLL CALL
2. APPROVAL OF MINUTES – December 1, 2015
3. HEARING CITIZENS PRESENT (on non-agenda items)
4. CORRESPONDENCE
5. NEW BUSINESS
6. OLD BUSINESS
 - A. Variance Request – 1213 Nordic Drive
7. REPORTS OF OFFICERS, BOARDS, AND STANDING COMMITTEES
8. GOOD OF THE ORDER
9. ANNOUNCEMENTS
 - A. Next regularly scheduled meeting is April 5, 2016
10. ADJOURNMENT

*Individuals with disabilities requiring auxiliary aids or services in order to participate in municipal meetings
may contact Boyne City Hall for assistance: Cindy Grice, City Clerk/Treasurer,
319 North Lake Street, Boyne City, MI 49712; phone (231) 582-0334*

Approved: _____

Meeting Of
December 1, 2015

Record of the proceedings of the regular Boyne City Zoning Board of Appeals meeting held at Boyne City Hall, 319 N. Lake Street, on Tuesday, December 1, 2015 at 5:00 p.m.

Call To Order

Chair Kubesh called the meeting to order at 5:00 p.m.

Roll Call

Present: Bob Carlile, Pat Kubesh, Lynn Murray and Roger Reynolds
Absent: John McClorey (arrived at 5:13 pm)

Meeting Attendance

City Officials/Staff: Assistant Planning Director Patrick Kilkenny and Recording Secretary Pat Haver
Public Present: Three

Approval of the Minutes
MOTION

ZBA 2015-12-01 2
Murray moved, Reynolds seconded, PASSED UNANIMOUSLY, a motion to approve the November 3, 2015 minutes as presented.

Hearing Citizen comments on
Non-Agenda Items

None

Correspondence(s)

Received a support letter from Haggard's Plumbing and Heating for tonight's requested variance.

New Business

Public hearing opened at 5:02 pm

Variance Request
1213 Nordic Dr.
John & Anita Clements

Assistant Planning Director Patrick Kilkenny reviewed his staff report that was included in the agenda packet; the owners John & Anita Clements are requesting approximately 24 foot of relief from the required 30 foot setback from the east lot line of the property and approximately 24 foot of relief from the required 30 foot setback from the south lot line of the property, to construct an addition to the existing attached garage and relocate the existing driveway to the east side of the house.

Anita Clements: homeowner - As our current driveway is very steep, we desire a flat drive that will allow us to have a handicapped accessible entrance into the house, and a place to park cars. We plan to convert the old garage into a family room and remove the old driveway and install what ever additional drains are needed and install a walkway to get to the garage and street sidewalk.

Carlile - Can you put in a smaller addition for a smaller footprint?

Clements - A standard garage is 20 foot by 24 foot. We will have plenty of room for parking any additional cars without being over the sidewalk, and there will not be an obstruction of any views going around the corner. This is the only proposed location flat enough to have a garage, as the west and south sides of the house are very steep with no way to attach and enter into the house.

Kubesh - Will the existing garage door remain? **Clements** - Yes it is all glass.

Murray - Have you considered putting the garage door on the east side of the current garage? That would require some work on the roof, however, would require less of a variance if you choose to add on a smaller addition.

Kubesh - Doing that would be about 20 feet in depth, tight for the normal size car.

Reynolds - Are there any traffic ordinances that we need to address?

Public Hearing closed at 5:14

The board and applicant held further discussion about the possible placement of the garage door on the east side of the residence, redesigning the layout with a smaller addition and asking for a smaller variance and possible roof line changes. The board was concerned about obstructing the views going around the corner if the addition were added at the requested size. A suggestion was made to have the request tabled until a future meeting to give the applicant the opportunity to speak with their contractor to see if there were any other options available to them; with the understanding that it is no guarantee that any future plans or variance requests would be automatically approved by this board. The applicants agreed with this suggestion.

MOTION

With no further discussion, **motion by Kubesh, seconded by Murray** to table the variance request from John & Anita Clements until a future meeting.

ZBA 2015-12-01 5A

Roll Call

Ayes: Kubesh, McClorey, Murray and Reynolds

Nays: Carlile

Absent: None

Abstain: None

Motion carries

Old Business

At the last meeting, the board asked about the residence at 515 Lewis Ave. which had not followed through with upgrading the roof line to the required 5/12 pitch for this zoning district when the house was moved 3 years ago. Patrick spoke with the homeowner, as their zoning permit had also expired; the homeowner assured him that the roof pitch construction would begin in the spring, so the permit was re-issued.

Reports of Officers, Boards and Standing Committees, Good of the Order and Announcements

None

Next Meeting

The next meeting of the Boyne City Zoning Board of Appeals is scheduled for January 5, 2016 at 5:00 p.m.

**Adjournment
MOTION**

ZBA 2015-12-01 10

Murray moved, McClorey seconded, PASSED UNANIMOUSLY a motion to adjourn the Tuesday, December 1, 2015 Boyne City Zoning Board of Appeals meeting at 5:47 p.m.

Patrick Kubesh, Chair

Pat Haver, Recording Secretary

CITY OF BOYNE CITY

To: Chair Pat Kubesh and fellow ZBA members

From: Patrick Kilkenny, Assistant Planner &
Zoning Administrator

Date: February 2, 2016

Subject: Variance Request at 1213 Nordic Drive



Background

Today's meeting is a continuation of the public hearing scheduled on December 1, 2015. The Board voted at the December 1st meeting to table (postpone) the variance request until the February meeting. The Board's intent in tabling (postpone) the meeting was to allow an opportunity for the applicant to discuss other options available to them in redesigning the project for a "smaller variance" request.

The applicant has not amended the design or variance request as initially proposed at the December 1, 2015 meeting. However, additional photos provided via email by the applicant on January 22, 2016 are included as attachments to this document.

The subject parcel is located at 1213 Nordic Dr., BOYNE HILLS UNIT 32 AS RECD L352 P416-L352 P454 CX CP R/D, (PID: 051-310-032-00). The property is owned by John H. and Anita R. Clements and located in the Rural Estate District (RED).

The parcel is approximately 12,138 sq. ft. in size and includes a single family residence with an attached garage. The property is bounded by Nordic Drive (public road) to the east, and Nordic Drive (public road) to the south. All adjacent properties are also zoned RED. Parcels adjacent to the subject property to the north and west are privately owned with existing residential dwellings. Parcels to the east and south across Nordic Drive contain existing residential dwellings or are vacant.

Discussion

The applicant is requesting a variance from the Boyne City Zoning Ordinance regulation:

Section 21.36 – Accessory Buildings and Structures(a)(3) *“Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this ordinance applicable to main or principal buildings.”*

The purpose of this request is to construct an addition of an attached garage to the existing attached garage. The variance request is for approximately 24' of relief from the required 30' setback from the east lot line of the property and approximately 24' of relief from the required 30' setback from the south lot line of the property.

Other factors

The existing single family residence and attached garage was built in the current location by a former owner of the property. The applicant states that the existing steep grade of the south and west portions of the property do not allow for the construction of a garage that will meet their handicap requirements.

Section 20.30 – Notes for Schedule of Regulations(k) states: *“In all residential districts, the width of side yards which abut upon a street on the same side or the opposite side of the same block, upon which other residential lots front, shall not be less than the required front yard setback for homes which front upon such street.”*

- Because residential lots front on Nordic Drive to the north and west of the subject property, the required front yard setback of 30’ is required for both the east (front yard) and south (side yard) property lines of the subject property.

Summary

The applicant is requesting a variance of approximately 24’ from the required 30’ front yard setback (east property line) and approximately 24’ from the required side yard setback (south property line), due to limitations caused by the original construction and location of the existing garage and steep slopes on the south and west portions of the property.

The ZBA should review the enclosed application, which includes various site photos and other information provided by the applicant, visit the property, and apply the standards in Section 21.36.

Public Comment:

Friday, November 13, 2015 – Letter from Boyne Hill Association President stating the proposed project complies with Association bylaws.

Monday, November 23, 2015 – Letter from Haggard’s Plumbing and Heating expressing support for the variance request.

Please find enclosed in this packet the following exhibits:

- A. Area Map of Subject Property
- B. Topography Map of Subject Property
- C. Survey of Subject Property
- D. Zoning Permit Issued February 24, 1995
- E. Public Hearing Notice Published November 16, 2015
- F. Zoning Board of Appeals Application with Site Photos (additional photos added January 22, 2016)
- G. Decision & Order with Findings of Fact



Boyne

Bearley

Air Industrial Park

Lexamar

M 75

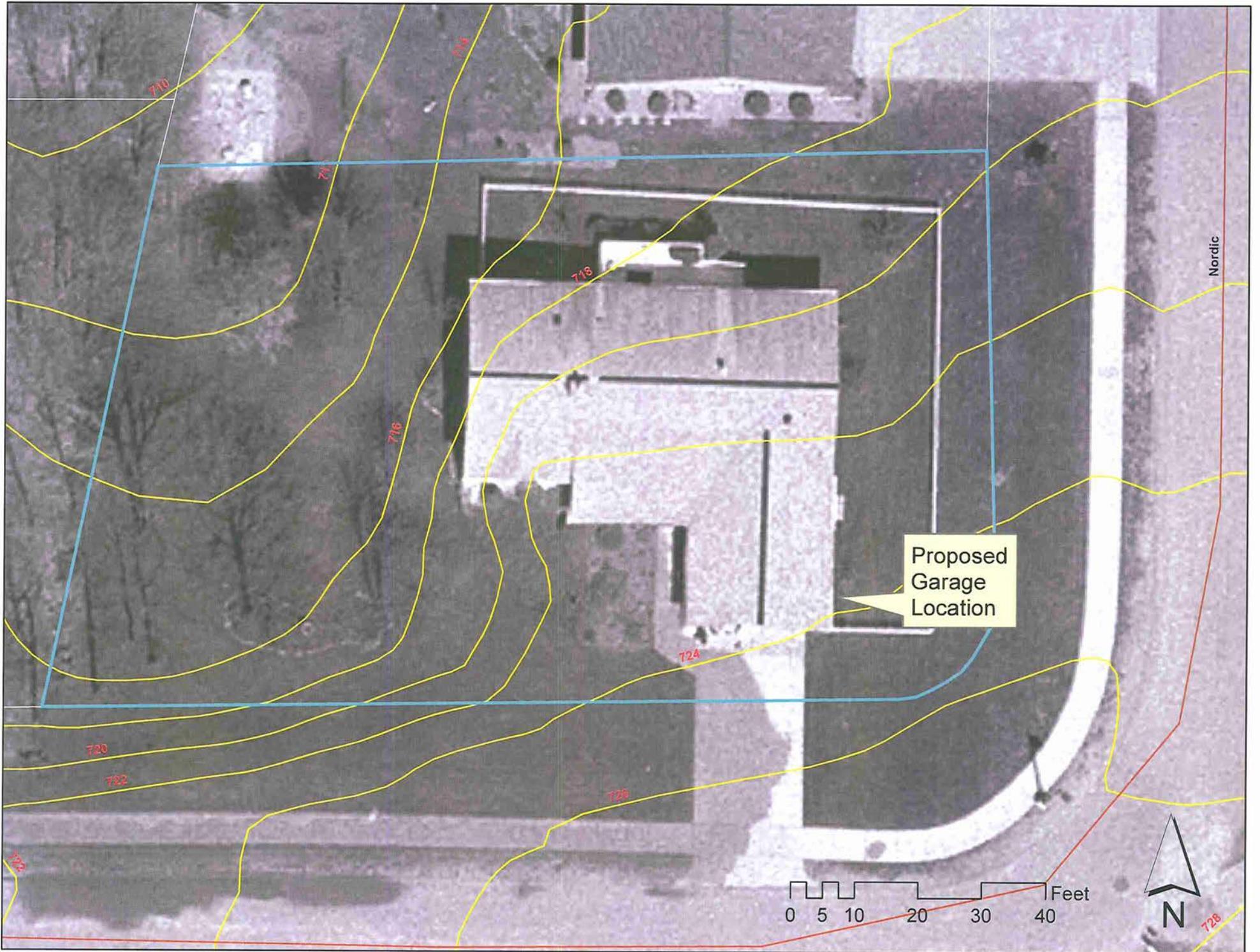
Boyne City East Jordan

Nordic

Subject Property
1213 Nordic Dr.

0 90 180 360 540 720 Feet





SITE PLAN OF

UNIT 32, BOYNE HILLS

CITY OF BOYNE CITY, CHARLEVOIX COUNTY, MI
CHARLEVOIX COUNTY CONDOMINIUM SUBDIVISION PLAN NO.76

PREPARED FOR:

JOHN H. & ANITA R. CLEMENTS

1213 NORDIC DRIVE
BOYNE CITY, MI 49712

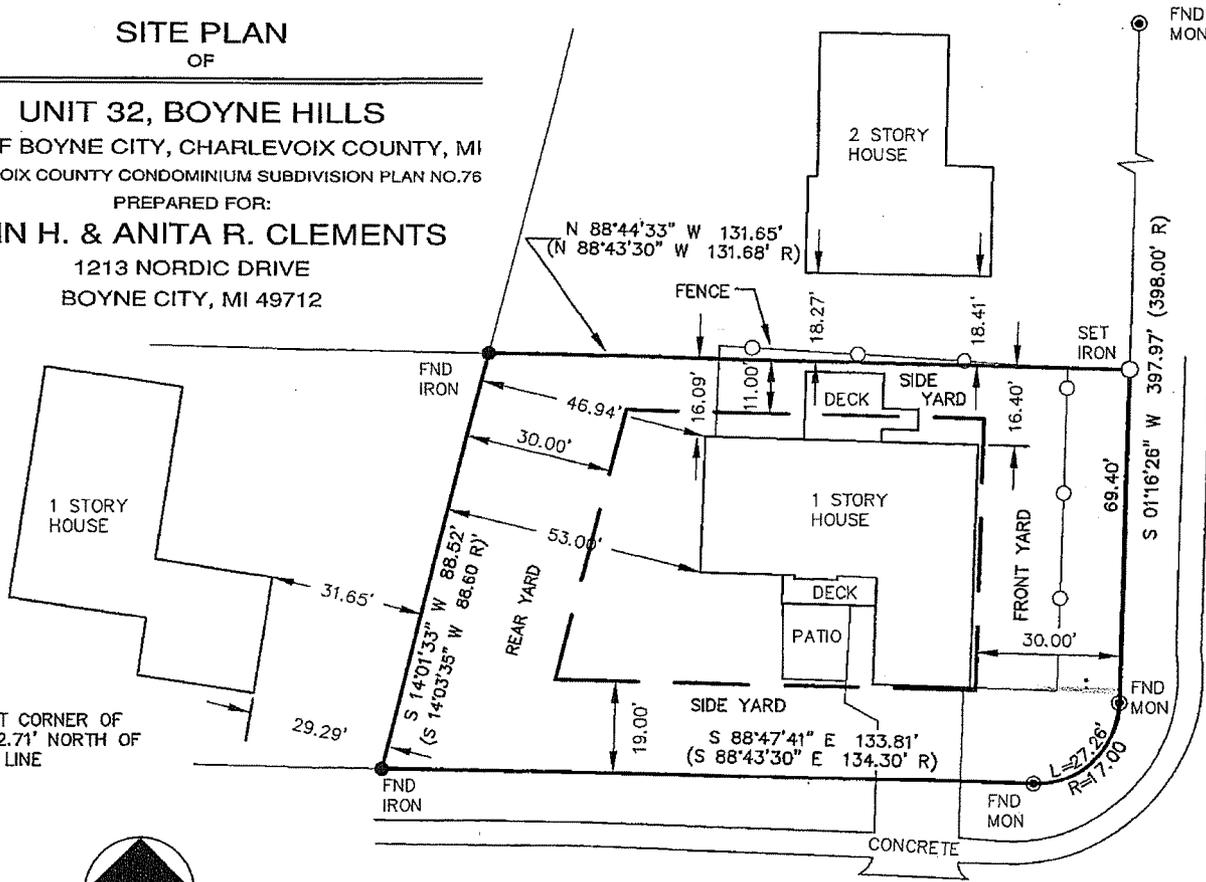
NOTE:
NORTHWEST CORNER OF
FENCE IS 2.71' NORTH OF
PROPERTY LINE



SCALE 1" = 30'



NORDIC DRIVE (66')



NORDIC DRIVE (66')

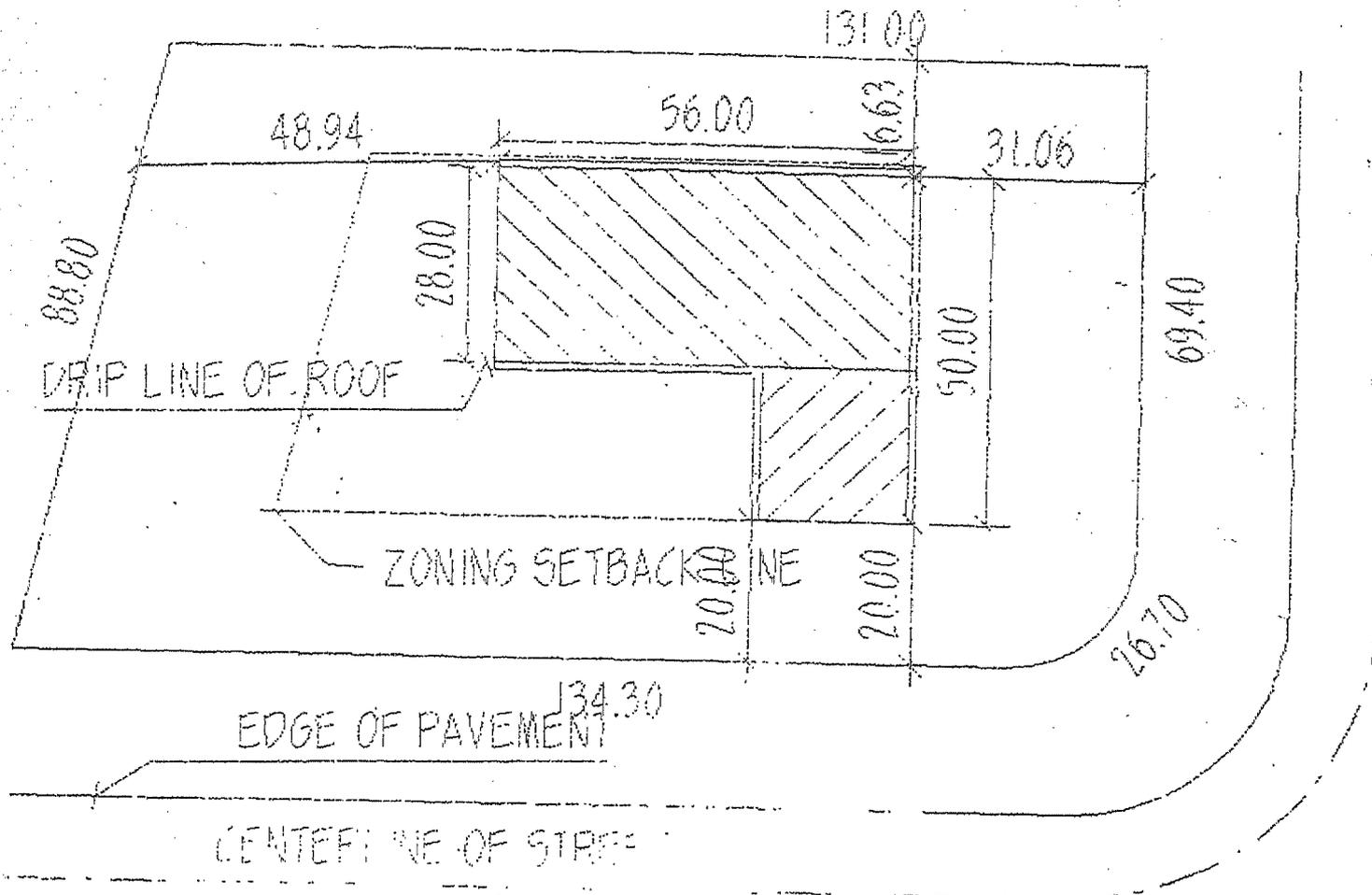
*HI SCOTT -
PLEASE REVIEW THESE
SET BACK LINES.*

LOT COVERAGE
LOT SIZE: 12,138 SQ FEET
COVERAGE: 3074 SQ FEET
25% LOT COVERAGE

MATTHEW R. WYNSMA P.S. No. 46699

FERGUSON & CHAMBERLAIN ASSOCIATES, INC.
PROFESSIONAL SURVEYORS
103 W. UPRIGHT STREET, CHARLEVOIX, MICHIGAN 49720
(231) 547-6882 - FAX (231) 547-0021
EMAIL: info@fcasurveying.com

FIELD: MW DRAWN: MRW
STAKED: 10/12/2015 DATE: 10/15/2015
JOB: SB-25789c-15



Lot # 32 "Boone Hill" San Antonio
 City of Boyne City, Michigan

SITE PLAN			
New Residence for Mr. Doty RW			
DATE	SCALE	BY	CHECKED

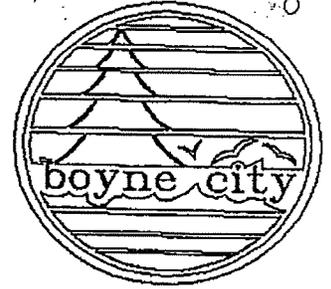
S1

CITY OF BOYNE CITY

319 North Lake Street

Boyne City, MI 49712

(616) 582-6597



ZONING APPROVAL APPLICATION

OWNER

Name: Cathy Riehl
 Address: 02981 Eagle Island Rd BC 49712
 Telephone: (daytime) 348-4858 (evening) 616-582-3593

PROPERTY INFORMATION

Address of Property: 1213 Nordic Dr. lot 32
 Property Tax Code Number: 15 - 051 - 310 - 032 - 00
 Legal description (attach separate sheet, if necessary): Not available at
County Bldg.
 Nearest Intersection: M-75
 Zone District in which property is located: R-1

PROPOSED USE

Type of construction proposed:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Single-Family Residential | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Two-Family Residential | <input type="checkbox"/> Industrial |
| <input type="checkbox"/> Multiple-Family Residential | <input type="checkbox"/> Addition/Remodel |
| <input type="checkbox"/> Other Residential | <input type="checkbox"/> Other |
| <input type="checkbox"/> Number of Units | |

Briefly describe construction: New construction of CODA
code modular home

Height: 14' Exterior Dimensions: House - 56 x 28
Garage - 20 x 22

Name/Address of Building Contractor: John Northrup Bldg
9065 Shannon Lane
Ellsworth, MI 49729
 Approximate Cost: 103,000⁰⁰

I hereby agree to comply with the provisions of the Boyne City Zoning Ordinance A-28 in the installation, construction, alteration, addition, or demolition described and, if not the applicant, I hereby certify the proposed work is authorized by the property owner and I have been empowered by the owner to make this application, as the selected agent. Signature of this form gives permission to the Zoning Administrator or representative to perform on premise inspections.

Signature: Jessica C. Barnes Date: 2-24-95

STRUCTURE DIAGRAM

Please sketch a diagram of the proposed structure including:

- ✓ Building dimensions
- ✓ Front, side, and rear yard setbacks *
- ✓ Roads (names), lakeshores, streams, easements, or other dedicated rights-of-way.
- ✓ Well and septic tank/field location
- ✓ Pertinent topographic features

* All setbacks must be measured from the eaves dripline, not the wall.

See Attached

(PLEASE ATTACH BLUEPRINT IF NECESSARY) (INDICATE DIRECTION BY INSERTING A NORTH ARROW)

Signature: Sue Hobbs Date: 2-28-95
(Zoning Administrator)

prelim inspection w.r.p. 3-15-95

CERTIFICATE OF OCCUPANCY

It is unlawful to use or permit the use of any structure or premises hereafter altered, extended, or erected until the Boyne City Manager or representative have made an inspection of the premises and have approved for occupancy. Please call City Hall at 582-6597 a minimum of two (2) working days in advance to schedule inspections.

Signature of Approval: Sue Hobbs Date: 5/15/95

Approved Denied

This permit must be displayed within twenty-four (24) hours of its issuance, by placing it in a conspicuous place on the premises facing the nearest street and shall be continuously displayed until all work is completed.

2095 PUBLIC NOTICES

CITY OF BOYNE CITY
ZONING BOARD OF APPEALS

PUBLIC NOTICE

Notice is hereby given that, pursuant to rules and regulations as outlined in the Boyne City Zoning Ordinance Section 27.20, a public hearing will be held by the Boyne City Zoning Board of Appeals on Tuesday, December 1 at 5:00 p.m. in the City Commission Chambers at 319 N. Lake Street, Boyne City, MI, to review and consider the following:

A variance request from John and Anita Clements for parcel numbers 15-051-310-032-00 at 1213 Nordic Drive, Boyne City, MI 49712. The applicant is requesting a variance from Section 21.36 - Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main or principal buildings.

More details on this variance request are available for review at the Boyne City Planning Department, Monday through Friday, 8:00 a.m. through 5:00 p.m. All interested persons are encouraged to attend the public hearing and participate in the discussion. Any written input in regards to the request may be submitted to the City Planner's office until 5:00 p.m. on the day of the public hearing or at the public hearing. For further information visit the City Planner's office at 319 N. Lake Street, Boyne City, MI 49712, or call (231) 582-0337 or e-mail pkilkenny@boynecity.com

(1-11/16)

Going

Going

Going

Going

Going

GONE!

ZONING BOARD OF APPEALS APPLICATION

Owner Name: John and Anita Clements
 Address: 1213 Nordic Dr.
Boyne City, Mi 49712
 Phone: 231-582-0672 E-mail: arcgrissom@gmail.com

Describe Variance Request: The applicants are requesting a variance from the Boyne City Zoning Ordinance to build a two-car garage beyond the front setback on the East side of building. The proposed garage would be 24 ft beyond the setback.

Property Street Address: 1213 Nordic Dr., Boyne City, Mi 49712
 Nearest Intersection: Hwy 75 South and Summit Dr.
 Property Tax ID #: 051-3 10-232-00 Zoning District: RED
 Legal Description of Property (attach separate sheet if necessary): see attachment # 1

Please attach:

- Proposed building/construction with dimensions and front, side and rear yard setbacks (see attachment #2)
- Existing buildings/structures including decks, driveways, storage buildings, etc. (see attachment #3)
- Lot lines and dimensions and layout, including parking/loading areas (see attachment #3)
- Photos, prints, maps, graphics, or drawings of current site (see attachments #4 - #9)
- Copy of Soil Erosion permit application or MDNR permit application, if applicable
- Letter of approval from association's Aesthetic Review Committee, if applicable (see attachment #10)
- Well and/or septic permit or copy of approved City sewer/water application, if applicable
- Pertinent topographic features (steep slopes, trees, water, etc.) see General Findings of Fact
- Road names, lakeshores, streams, easements, or other dedicated rights-of-way abutting the property
- Any other information you feel is necessary to present your case

Note: I understand and agree to abide by all provisions of the Boyne City Zoning Ordinance as well as all procedures and policies of the Boyne City Zoning Board of Appeals as those provisions, procedures, and policies relate to the handling and disposition of this application; that the above information is true and accurate to the best of my knowledge; and that a filing fee is due with this application. I understand that if the requested variance is granted, I am in no way relieved from all other applicable requirements. I grant permission to the Zoning Administrator and other City Officials to enter the property and make such investigations and tests as they deem necessary.

Owner's Signature John Clements Date 11-13-15
Anita Clements

This is to certify the required filing fee was received on _____ and documented with receipt number _____. This application is scheduled for public hearing on _____.
 Staff Initials _____.

#1

PROPERTY DESCRIPTION: Land located in the City of Boyne City, County of Charlevoix, State of Michigan, described as: Unit #32, BOYNE HILLS, a condominium according to the Master Deed thereof, recorded in Liber 352, Pages 415 through 454, inclusive, Charlevoix County Records, and designated as Charlevoix County Condominium Subdivision Plat No. 76, together with rights in general common elements and limited common elements as set forth in said Master Deed as described in Act 59 of the Public Acts of Michigan of 1978, as amended.



FILED 5484

John E. Ferguson, P.S. No. 24595

NOTE: Eaves and utility lines are not shown. Precise set-backs are subject to survey.

I HEREBY CERTIFY that I have inspected the property hereon described; that there are no visible encroachments except as noted.

SM-10593c-02(R)

SM-10907c-95

DATE: 4-13-95

FERGUSON & CHAMBERLAIN ASSOCIATES, INC.
LICENSED LAND SURVEYORS
101 BRIDGE STREET, PINE RIVER BUILDING - CHARLEVOIX, MICHIGAN 49720
(616) 547-8882 - FAX (618) 547-0021

231-547-6882

231-547-6882

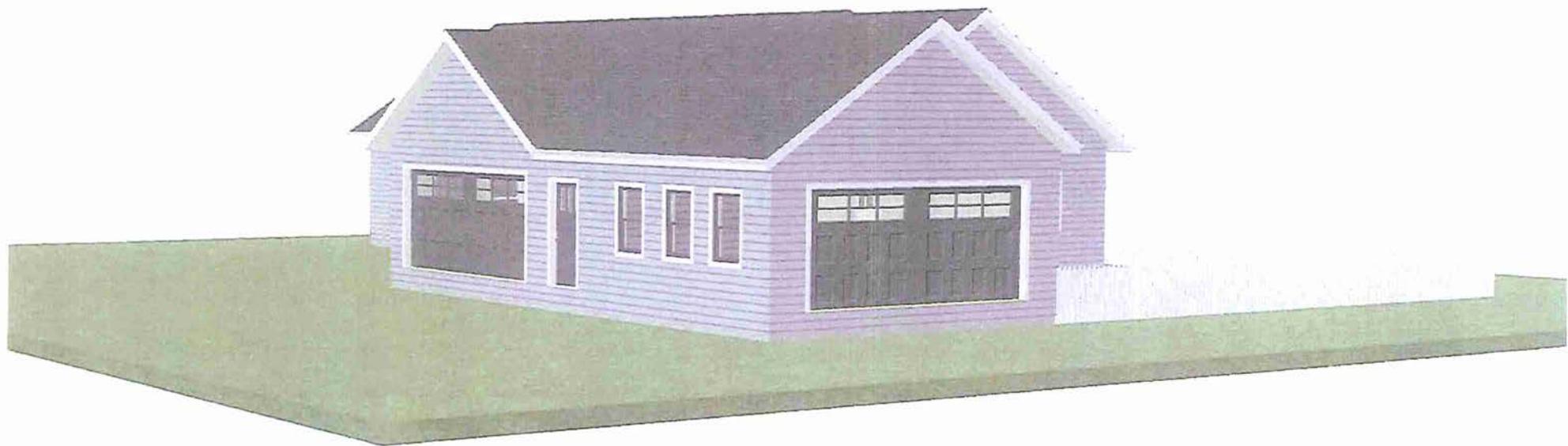
2#



21'4"

Perspective from EAST side
of Nordic Drive

2#



PH



| existing house | 24' new |

New Perspective View From
The south side of nordic Dr.

#3

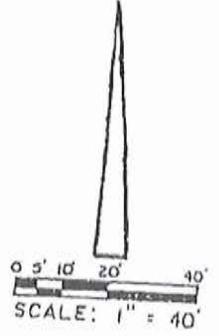
FILE: NM-35534-PLC (CATHY RIEHL)
JOHN & ANITA CLEMENTS
1213 NORDIC DRIVE

CERTIFICATE OF MORTGAGE INSPECTION

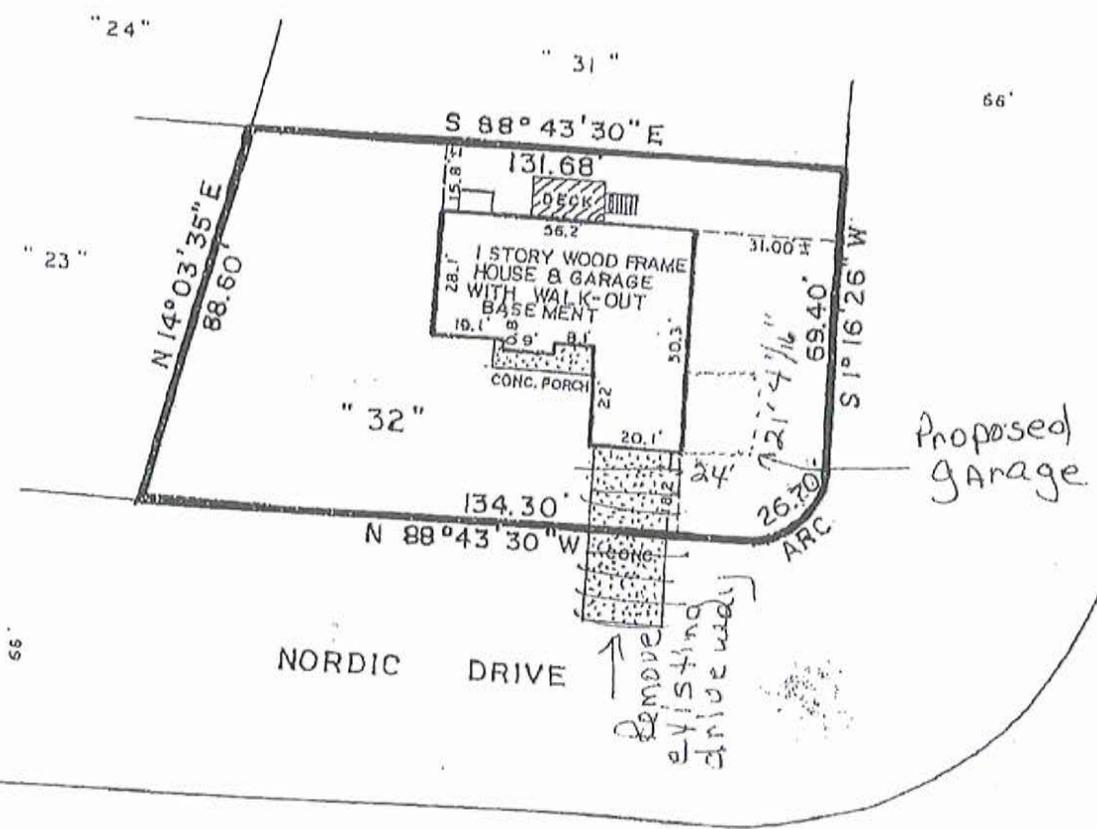
SHEET NO. 1

CERTIFIED TO: REPUBLIC BANK
534 E. Front Street
Traverse City, Michigan 49686
DATE: March 13, 2002

N



LOT 32
BOYNE HILLS
(CITY OF BOYNE CITY
CHARLEVOIX COUNTY)



#4

← north
corner
16.4' TO PROPERTY
line



#5



west side of property

#6



proposed
garage stake

property
line

#7

front yard
property stake
(south)

proposed
garage

east side
property
stake



#8

South side of
Property



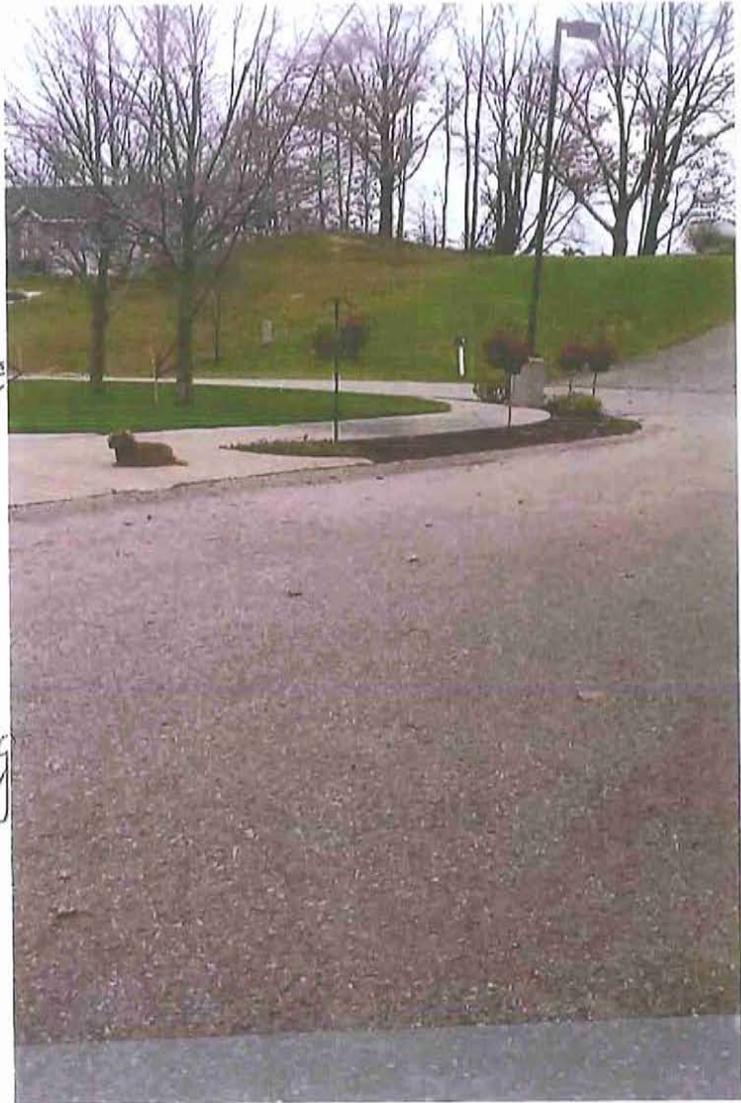
Property
stake
between
lot 32
and
lot 23

Facing east from lot 23
on west side of property

front yard
property
stake

Proposed
garage
stake

does not
hinder
visibility
when rounding
curve of
street



#18

Jean Nadeau
1131 Nordic Drive
Boyne City, MI
November 13, 2015

Zoning Board of Appeals
City of Boyne City
319 North Lake Street
Boyne City, MI 49712

Appointed Board Members:

I am writing regarding the proposed addition to the property of John and Anita Clements, located at 1213 Nordic Drive in the Boyne Hills Subdivision. The property owners' proposal and plans have been presented to the Association's Architectural Control Committee without objection, and therefore, comply with the requirements of our Association bylaws. Please contact me if you need any further information regarding this matter.

Sincerely,



Jean Nadeau

Boyne Hills Association President
1131 Nordic Drive
Boyne City, MI 49712
231-622-1170
jeanadeau@gmail.com

GENERAL FINDINGS OF FACTS

1. The property is owned by John and Anita Clements. They occupy the home with a handicapped family member.
2. The applicants proposes a garage expansion on the east side of the house encroaching on the 30 ft required side yard setback.
3. The property is Unit 32 in the Boyne Hills condominium subdivision. It is located in the Rural Estate District (RED).
4. The property is on a corner lot with shared lot lines with other privately owned single family dwellings on the west and north sides. The proposed garage would not restrict the view of drivers as they round the curve of the street. (see attachments #9 and #11)
5. The lots in this subdivision are irregularly shaped. (see attachment #11)
6. The square footage of lot 32 is 12,138 ft.
7. The west side of the property has areas of steep slopes which are prohibitive to adding a garage in this area. The elevation of road is in excess of 10' above current grade which results in the inability to back-fill and build a 10' retaining wall on the north and west side of neighboring property. (See attachment #5)
8. In the spring the current drive way, which is on south side, has water issues and in the winter it is unusable due to improper drainage on the steep slop. In the past a neighbors garage was used until she moved. Car is now parked on the street.
9. On the north side of the property, there is 16.4 ft to the property line of lot 31. Also, there is no way to make a handicap connection between the proposed garage and the north side of the house. (see attachment #4)
10. The existing drive will be torn out and proper drainage installed. This will enable the current garage to be enclosed and turned into a family room. A new side walk will be built from porch to public side walk.
11. The new drive way on the east side of the property which is flat would make a handicap accessible space which would meet the physical limitations of the handicapped family member and help the other aging family members.
12. Due to the irregular shape of the lots in this subdivision lot 23 on the west side had to have variance to build a garage.
13. There would be 20 ft of drive way from garage to the public side walk. Providing ample parking space to park car outside of garage without parking on side walk

Summary:

Not to have a variance would place an undue hardship. Weather and the natural grade slope prevents other parts of the property from being conducive to building a handicap accessible garage.











**BOYNE CITY
ZONING BOARD OF APPEALS**

APPLICANT INFORMATION

APPLICANT: **John and Anita Clements
1213 Nordic Drive
Boyne City, MI 49712**

HEARING DATE: **December 1, 2015; continued February 2, 2016**

PROPERTY DESCRIPTION

The subject parcel is located at 1213 Nordic Dr., BOYNE HILLS UNIT 32 AS RECD L352 P416-L352 P454 CX CP R/D, (PID: 051-310-032-00). The property is owned by John H. and Anita R. Clements and located in the Rural Estate District (RED).

APPLICATION

Section 21.36 – Accessory Buildings and Structures(a)(3) “*Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this ordinance applicable to main or principal buildings.*”

**BOYNE CITY
ZONING BOARD OF APPEALS**

An affirmative vote of a majority of members shall be required to reverse any order, requirement, decision or determination of the City Manager, an administrative official of the City, or the Planning Director except that a two-thirds (2/3) majority of members shall be necessary to grant any variances from uses of land which may be permitted by this Ordinance.

BOARD DECISION AND ORDER

The Board having considered the Application, a public hearing having been held on **December 1, 2015; continued February 2, 2016** 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 several comments by members of the public, the Board having considered the following Findings of Fact and Exhibits as part of the record, and the Board having reached a decision on this matter, states as follows:

GENERAL FINDINGS OF FACT

1. The property is owned by John H. and Anita R. Clements.
2. The property identification number is 15-051-310-032-00.
3. The property is in the Rural Estate District (RED).
4. The property currently includes a principal residence and an attached accessory building (garage).
5. Access to the property is provided by Nordic Drive which is a public road that bounds the east and south side of the parcel.
6. All adjacent properties are zoned RED.
7. Properties adjacent to the subject property to the north and west are privately owned, and include existing single family dwellings.
8. To the south and east across Nordic Drive are properties that contain single family dwellings or are vacant.
9. The property is irregularly shaped.
10. The topography of the property is steep to the south and west and generally flat to the north and east.
11. The existing accessory structure (garage) is attached to the principal structure (residence).
12. Section 21.36 – Accessory Buildings and Structures(a)(3) states: “Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this ordinance applicable to main or principal buildings.”
13. Section 20.30 – Notes for Schedule of Regulations(k) “In all residential districts, the width of side yards which abut upon a street on the same side or the opposite side of the same block, upon which other residential lots front, shall not be less than the required front yard setback for homes which front upon such street.”
14. The property is approximately 12,138 sq. ft. in size.
15. The minimum lot area in the RED is 10,890 sq. ft.
16. The current lot coverage is approximately 25% or 3,074 sq. ft.
17. The proposed addition is approximately 525 sq. ft.
18. The maximum lot coverage allowed in the RED is 30% (3,074+525=3,599 sq. ft. or approximately 29.6% lot coverage.)
19. Zoning permit approved February 2, 1995 for construction of single family residence. Variance was not required in 1995; site plan met required setbacks at time.
- 20.
- 21.
- 22.
- 23.

FINDINGS OF FACT UNDER SECTION 24.80. – NON-USE VARIANCES

In hearing and deciding appeals for variances, the Board shall adhere to the following criteria in determining whether or not practical difficulties and/or unnecessary hardships exist:

1. Requiring the owner to comply with the regulations governing area, setbacks, frontage, height, bulk, density or other non-use requirements would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such regulations unnecessarily burdensome.

2. The variance granted is the smallest variance necessary to do substantial justice to the owner as well as to other property owners.
3. The variance can be granted in such a fashion that the spirit of the Ordinance will be observed and public safety and welfare secured.
4. The need for the variance is not self created.
5. The need for the variance is due to unique circumstances of the property itself, and not due to general conditions in the area or to circumstances related to the owner personally or to others residing on the property.

The Board shall grant no variance if it finds an application does not meet all of the above listed criteria for determining whether or not a practical difficulty and/or unnecessary hardship exists.

<p><i>Motion by</i></p> <p><i>Roll Call:</i> <i>Aye:</i> <i>Nay:</i> <i>Abstain:</i> <i>Absent:</i> <i>Motion</i></p>	<p>Date: 02-02-2016</p>
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<i>Original</i>	<i>signature</i>	<i>on</i>	<i>handwritten</i>	<i>copy</i>	<i>in</i>	<i>file</i>
2-2-16						
Patrick Kubesh, Zoning Board of Appeals Chairperson						Date

TIME PERIOD FOR JUDICIAL REVIEW

- MCLA 125.3607 provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Zoning Board of Appeals to the Circuit Court. Pursuant to MCLA 125.3606 any shall be filed within 30 days after the zoning board of appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the zoning board of appeals, if there is no chairperson, or within 21 days after the zoning board of appeals approves the minutes of its decision.