

Meeting Of
October 1, 2013

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, October 1, 2013 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, John McClorey, Lynn Murray and Roger Reynolds
Absent: None

Meeting Attendance

City Officials/Staff: Assistant Planning Director Annie Doyle and Recording Secretary Pat Haver
Public Present: One

Approval of the Minutes
MOTION

Carlile moved, McClorey seconded a motion to approve the August 6, 2013 minutes as presented.

ZBA 2013-10-01-2

Roll Call

Ayes: Carlile, McClorey, Murray and Reynolds

Nays: None

Absent: None

Abstain: Kubesh

Motion carries

Hearing Citizens Present

None

Correspondence(s)

None

New Business

Public hearing opened at 5:02 pm

Variance Request
513 Bay St.
Richard & Marva Cronk

Assistant Planning Director Doyle reviewed her staff report that was included in the agenda packet. The applicants Richard and Marva Cronk are requesting a rear yard setback variance of 13.2' to allow for a 6' x 12' addition to their existing primary structure in the NE corner of the residence. The addition will be an extension of an existing bathroom, allowing room for construction of a new walk in shower. It runs parallel to an existing variance, and will not be any closer to the roadbed or the lines.

Kubesh - This board has defined the setback as drip line. Is this variance from the foundation or the drip line?

Michael Skop, building contractor for applicant - The drip line. It is exactly as the existing house 1.8' drip line, no changes. The applicants would like to add this shower to the master bathroom on the main floor, due to medical reasons and physical limitations to use the second floor bathroom shower.

With no further comments, public hearing was closed at 5:07 pm

Board Discussion

Murray - Would like to make sure that the end of Mechanic Street is a public access or not.

Kubesh - Unknown, photos look like there maybe an access.

Murray - I just want to make sure the owners know of a possible encroachment onto possible public access, and the neighbor's deck appears to encroach already. I would not like to see the public access closed off or lost by the citizens of the city.

Doyle - They are not encroaching on this side, or they would be asking for a variance for that.

Carlile - Is this a year round residence for the Cronk's?

Skop - Summer residence

Assistant Planning Director Doyle went through the findings of fact, listed below:

GENERAL FINDINGS OF FACT

1. The property is owned by Richard and Marva Cronk.
2. The applicant proposes an expansion on the house encroaching on the required rear yard setback.
3. The property is in the Waterfront Residential Zoning District.
4. The existing structure was built in 1988 and expanded in 1990 on valid permits and was given two variances in 2010 as a result of the unique topography.
5. The property has meandering lake frontage, making the west portion of the property narrower than the east portion.
6. The property has areas of steep slope.
7. The lake frontage greatly reduces the buildable area of the lot.
8. *16,888 square feet is the size of the lot*
9. *The WRD requirements have a 15 ft. rear set back*
10. *Medical necessity and physical limitations of the owners requires a walk in shower on the first floor for safe access*

The board now went through section 27.45 for non-use variances

FINDINGS OF FACT UNDER SECTION 27.45. - 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.
 - A. *Affirmative - Medical necessity of owners requires a first floor shower facility*
2. The variance granted is the smallest variance necessary to do substantial justice to the owner as well as to other property owners.
 - A. *Affirmative - Smallest variance necessary*
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.
 - A. *Affirmative*
4. The need for the variance is not self created.
 - A. *Affirmative*
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.
 - A. *Affirmative - The steep slopes, contours and meandering lake frontage are unique circumstances of this 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.

MOTION

With no further board discussion, **motion by Murray, seconded by Carlile** to approve the variance as requested for a rear yard setback variance of 13.2 ft to allow for a 6 ft by 12 ft. addition to their structure, with a stipulation of no encroachment into public access, if there is one.

ZBA 2013-10-01-5A

Roll Call

Ayes: Carlile, Kubesh, McClorey, Murray and Reynolds

Nays: None

Absent: None

Motion carries

**Old Business
Reports of Officers, Boards
and Standing Committees**

None

**Good of the Order
Announcements**

- Kirtland has applied for an adjustment on their DEQ permit. They will accept public comments and then hold a public hearing on November 13, 2013.
- The city has filed a motion for reconsideration on Judge Pajtas' decision on Kirtland.
- Dilworth is moving forward with a new owner and development group.
- Devlon - Nothing new

Next Meeting

The next meeting of the Boyne City Zoning Board of Appeals is scheduled for November 5, 2013 at 5:00 p.m.

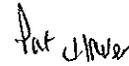
**Adjournment
MOTION**

ZBA 2013-10-01-10

Carlile moved, Murray seconded, PASSED UNANIMOUSLY a motion to adjourn the Tuesday, October 1, 2013 Boyne City Zoning Board of Appeals meeting at 5:28 p.m.



Patrick Kubesh, Chair



Pat Haver, Recording Secretary