

**Meeting of  
February 18, 2013**

Record of the proceedings of the Boyne City Planning Commission meeting held at Boyne City Hall, 319 North Lake Street, on Monday, February 18, 2013 at 5:00 pm.

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Chair MacKenzie called the meeting to order at 5:02 p.m.

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**Call to Order**

Present: George Ellwanger, Jim Kozlowski, Jane MacKenzie, Lori Meeder, Tom Neidhamer, Aaron Place and Joe St, Dennis

**Roll Call**

Absent: Gretchen Crum and Chris Frasz

**Excused Absence**

**2013-02-18-2**

**Motion by St. Dennis, seconded by Meeder, PASSED UNANIMOUSLY**, to excuse the absence of Crum.

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**Meeting Attendance**

City Officials/Staff: Planning Director Scott McPherson, City Manager Michael Cain and Recording Secretary Pat Haver

Public Present: Nine

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**Consent Agenda**

**2013-02-18-3**

**Ellwanger moved, St. Dennis seconded, PASSED UNANIMOUSLY**, a motion to approve the consent agenda. Approval of the December 17, 2012 and January 21, 2013 Planning Commission minutes as presented.

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**Comments on  
Non-Agenda Items**

**Mark Kowalski: Fall Park Rd.** - Wanted to advise the commission that an irrigation company is interested in the Chipman building on State St, and they may come before you next month with information for the business and possible storage.

**Don Nessen: Boice St.** - How can Kirtland run without a permit?

**McPherson** - They are doing so at their own peril. They have been issued a citation; as it is going to court to be adjudicated, for everyday that they run, there is the potential a daily fine could be imposed by the judge.

**Nessen** - Is it legal for us to call the police when they are running because of the noise? It is disturbing the peace.

**Michael Cain: City of Boyne City Manager** - People can do that if they wish, the police may take no action. If you are looking for a current position of the city on this matter, you should go back and listen to the audio of the last City Commission meeting when the city attorney was present, who outlined the process. It is going through the courts, and it is now out of the hands of the city, and could take several months. Possibly not much changing until the judge's decision.

**Lisa Liebgott: M-75** - When is the date that all of the information is going to be turned over to the Circuit Court?

**Cain** - It is up to the city attorney to determine.

**Kowalski** - Any complaints to be turned into the judge is there a certain time period? If I want to file a complaint when is the deadline?

**MacKenzie** - We know nothing other than what the city attorney has said.

**Cain** - We can not guarantee that all of the items submitted will become a part of the court record. It is a pending legal matter; it is with the city attorney, who has to follow court procedures and processes. It is out of staff's hands at this time. We will be glad to hear what you have to say, and it will be passed along to the city attorney, not sure what will happen through the process.

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<b>Reports of Officers, Boards and Standing Committees</b>	None
<b>Unfinished Business</b>	None
<b>New Business</b>	Planning Director spoke of the preliminary draft of the Capital Improvement Plan that was passed out at the meeting. The last adopted plan from 2008 was included in the agenda packet for comparison. The new format appears much easier to read. The responsibility to develop the CIP is the City Manager's however; the Planning Commission can review, comment and can make recommendations on it. There will be an opportunity to review at a future meeting.
<b>Capital Improvement Plan Review</b>	<p><b>Cain</b> – Staff has been working really hard to gather information and assemble it. It is the beginning of a preliminary document, take a look at it and review, it will be brought back at the March meeting for discussion. If you find there is something that should be added or deleted, get your comments to Scott or myself. The budget process uses this document tool as well; it is used as a roadmap or plan on what we would like to happen in town. The adoption of the plan is in May.</p> <p><b>Meeder</b> – Is this revised every year, out an 8 year period? <b>Cain</b> – Yes.</p> <p><b>Meeder</b> - Does federal funding play a big part of this?</p> <p><b>Cain</b> – Federal and state funding is difficult to determine, as money is shifted all the time for different projects.</p>
<b>Review Zoning Ordinance Section 4.40(A)(6), 5:12 roof pitch requirement in the TRD</b>	<p>Planning Director McPherson reviewed his staff report included in the agenda packet. Section 4.40(A)(6) of the Boyne City Zoning Ordinance regulates a minimum roof pitch of 5:12 for dwellings in the TRD and WRD districts, and is also in the design standards in the ordinance. Last December a variance request was before the ZBA for relief from this standard. The applicant was not successful, however, a great deal of discussion was heard, so staff felt that it is worthy of discussion at the Planning Commission to see if you want to review and perhaps modify. This is being brought before you for initial discussion.</p> <p>Public comment opened at 5:13 pm</p> <p><b>Chris Christensen: Pine St.</b> - Have a sale of a house that is non-conforming. Beside the roof pitch, the house sits sideways on a ½ lot on Wilson St. The sale of the house is to be moved, and have lost out on offers because of the pitch requirement. There is someone who would like to purchase the house, and move to a vacant lot on Lewis St, which had a number of non-conforming issues itself. We would like to take and move the house to the new lot, and have only one non-conforming lot when the deal is done. Cited Planning Enabling Act, 2008 in section 201, paragraph 4 ...."Local units of government may adopt land development regulations under the zoning ordinance designating or limiting the location, height, bulk, number of stories, uses, and size of dwellings, buildings, and structures that may be erected or altered, including tents and recreational vehicles...." it doesn't specifically say you have the ability to declare the roof pitch.</p> <p><b>Mike Stark: Realtor</b> – Manufactured homes are approved by the federal government, and most have 3:12 pitch. They are for the Working Joe who can't afford a stick built house. I am surprised that the municipality has put restrictions out there. Options now with 5:12 pitch are available, but cost more. This hasn't sat well with me. I should have applied for a permit to pull the old trailer off the lot, but I did not, I intended to put a double wide there myself, but ran into the 5:12 pitch issue, so sold the lot.</p> <p><b>Mike Dell</b> – I am the person interested in purchasing the home and moving it. I have offered a 5:12 pitch roof on the porch. You really can't tell the difference</p>

between the 3:12 and 5:12 pitch. It is a HUD approved home that meets the snow load requirements. In this community approximately 90% of the homes have a 3 ½:12 pitch roof, so this house would fit right in. There are no safety issues. Not sure why a house being moved is considered a new residence. I can understand square foot of a residence, but not roof pitch.

**Stark** – It is not feasible to build a 5:12 pitch over a sound house. Can meet other requirements. It will be a total improvement on two lots, tax base will still be there, and it will provide another home for someone in the community.

**Kowalski** – I can give you a little bit of background. A company came in bought a lot of land and brought in approximately 20 inexpensive homes, scattered about Boyne City.

Public Comment closed at 5:29 pm

Board Discussion

**Ellwanger** – Don't want to set a precedent, have an existing house, they want to move from one area to another; not building a new one, will we be setting a precedent if we allow?

**McPherson** – This would be a city wide change in the TRD, it would affect everyone, not just this instance. As they stated, there are a lot of non-conformities that were created by the change, in that area in particular.

**Meeder** – If they needed a new roof or any structural change, would they need to bring into compliance?

**McPherson** – Yes, any structural changes need to be brought up to code.

**Neidhamer** – The changed intent was architecturally and aesthetically pleasing. The lower pitch is not as architecturally good looking. I can see both sides, and don't mind revisiting this discussion as a board.

**St. Dennis** – The idea of having porches facing the streets, you can get to know your neighbors better, watch out for each other. Architecture was important, and a front door on the street with your mailing address. Some people were afraid that lower pitch roof houses would bring down the value of certain neighborhoods.

**Kozlowski** - Grandfather clause for houses under a 5:12 pitch? Is moving a home considered new construction? **McPherson** – Yes. Can you move a house from one area of town to another; you still have the same number of lower pitched roofs, or is it for the houses brought in from out of town?

**McPherson** – Doesn't matter where it is moved from, anything brought in must meet code, or be brought up to current standards. In the non-conforming section, it specifically speaks of that.

**Neidhamer** – Issue before us is lower pitch. Is there other language to look at such as porches, driveways, setbacks?

**McPherson** – Those are additional regulations. Still need to meet all the other requirements even if you decide to change the pitch. Different districts will be affected. It may not be appropriate to change in the WRD, however, would be in the TRD. The design criteria talks about 5:12 pitch. Design standards, section 22, talks about architecture in the residential districts, roof lines should be consistent with the surrounding neighborhood character. Also talks about roof lines and eaves, sometimes conflicting with each other. There maybe other language to look at, if you decide to pursue this.

**Meeder** – Happy to revisit the language and discuss it.

**Kozlowski** - Would like to see some language

**Neidhamer** – Would like to see this as a future agenda item.

**Place** – Would also like to look at language for today's standards.

**2013-02-18-7B**

With no further board discussion, **motion by Neidhamer, seconded by Meeder, PASSED UNANIMOUSLY**, to refer this issue back to staff for language consideration and design standards for the TRD.

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**\*\*MOTION**

**Staff Report**

- Kirtland has appealed the Planning Commission determination; the finding of non compliance as a final decision. It is in the court's hands, and we have no control over time line and dates, or schedules. Citation has been issued, and will be heard in District Court, we also have no control over that time frame. The citation is for operating without permits.
  - Application for the Re-development ready communities program has been submitted. Should know by March 1<sup>st</sup>, if we were selected. If selected, hopefully we can get some guidance in the Master Plan update process.
  - Robert Gibbs made a presentation February 4<sup>th</sup>, it was very informative. A lot of very interesting points were made. A different way of looking at things; downtown spaces used for office spaces and not retail. He really thinks that Boyne City has it "going on" and we were on a good path already, something good to hear from someone who has visited several other communities. He indicated that 70% of retail happens after 5:00 pm. His other observation was that using chain stores as "anchors" for the community was good, it would bring people downtown.
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**Good of the Order**

- Leadership Charlevoix is starting their 3<sup>rd</sup> school year, and applications are being accepted for that program.
- Welcome Aaron to the board

The next meeting of the Boyne City Planning Commission is scheduled for March 18, 2013 at 5:00 pm in the Auditorium.

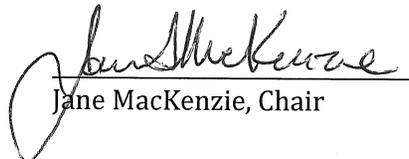
**Adjournment**

**\*\*MOTION**

**2013-02-18-10**

**St. Dennis moved, Meeder seconded, PASSED UNANIMOUSLY** a motion to adjourn the meeting at 6:00 p.m.

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Jane MacKenzie, Chair

  
Pat Haver, Recording Secretary