

**Meeting Of
October 7, 2014**

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 7, 2014 at 5:00 p.m.

Call To Order

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

Roll Call

Present: Bob Carlile, John McClorey, Lynn Murray and Roger Reynolds
Absent: Pat Kubesh (arrived at 5:06 pm)

Meeting Attendance

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

**Approval of the Minutes
MOTION**

ZBA 2014-10-07-2
McClorey moved, Murray seconded, PASSED UNANIMOUSLY, a motion to approve the July 1, 2014 minutes as presented.

Hearing Citizens Present

None

Correspondence(s)

None

New Business

**Variance Request
351 Collins (Collings) St.
Tammy Siwarga**

Assistant Planning Director Annie Doyle reviewed the staff report that was included in the agenda packet. Tammy Siwarga is requesting a variance from Section 4.40 which states *“attached garages shall have a front setback that is at least ten (10) feet greater than the front setback of the principal building that is located on the portion of the lot”*. The purpose of the request is to build a 20 ft by 20 ft attached garage in front of the current garage. She also reviewed the general findings of facts as presented:

GENERAL FINDINGS OF FACT

1. The property is owned by applicant, Tammy Siwarga.
2. The property identification number is 15-051-026-027-00.
3. The property is in the Traditional Residential District (TRD).
4. The property is currently developed with a single family dwelling.
5. Access to the property is provided by Collins (Collings) Street which is a public road that bounds the front side of the parcel.
6. The adjacent properties are also in the Traditional Residential District (TRD).
7. The north and east sides of the property share a lot line with other privately owned properties.
8. To the west, the adjacent property is a public alley owned by the City of Boyne City.
9. To the south, the property is bounded by Collins (Collings) Street.
10. The property is not irregularly shaped.
11. The topography of the property is typical.
12. The TRD minimum lot area requirement is 5,445 SF.
13. Square footage of the lot is approximately 23,500 SF.
14. The TRD requires that attached garages shall have a front yard setback 10 ft greater than that of the primary structure.
15. The proposed attached garage is located in the front yard of the property and would extend approximately 10 ft in front of the primary structure.

16. The proposed attachment would have an approximately 38 ft front yard setback from the public right-of-way.
17. The proposed attachment to the primary dwelling would be located on the south side of the property.
18. The primary structure and proposed attachment have a eastern side yard setback of approximately 23 ft
- ~~19. The primary structure has a 0 ft side yard setback to the west.~~
20. The TRD requires at least a 5 ft side yard setback.
- ~~21. The primary structure is nonconforming.~~
21. *The proposed extension is for garage/storage purposes only*
22. *The existing engineered septic system is located behind the existing garage*

Public Hearing opened by Vice Chair Carlile at 5:06 pm.

Ron Siwarga: applicant – I don't understand this zoning requirement; I see a lot of houses with garages out in front of them. The current garage will remain as a garage; we are requesting to add 20 ft more in front for expanded storage of equipment to get it out of the yard. The back side of the house and garage is our engineered septic tank and drain field. There is no room to build the garage on either side of the house; so it is the most viable option that we can see.

Public hearing closed at 5:09 pm. Meeting turned over to Chair Kubesh at this time.

Board discussion

Murray – I visited the location; on the west side is a gas meter and power line directly above that impedes access to the back of the property. The engineered system is 20 to 30 ft behind the house with a lift station; and can't come off of Jefferson as it is privately owned. This house has a long paved driveway.

Carlile – For clarification, none of the proposed new space will be used for anything other than a continuation of garage space and storage.

Siwarga – That is correct

Kubesh – Would like added to the findings of fact, the extension will be used as an extension of the existing garage; stated item #19 and #21 will be deleted.

Chair Kubesh facilitated the board through section 27.45 for 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. *Affirmative 4 Nay 1: Because of the engineered septic system located directly behind the existing garage, it would prevent the owner from using the property for a permitted use.*
2. The variance granted is the smallest variance necessary to do substantial justice to the owner as well as to other property owners. *Affirmative 4 Nay 1: In order to store equipment, the size requested is the 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. *Affirmative*

4. The need for the variance is not self created. *Affirmative 4 Nay 1; not self created due to placement of the engineered septic system*
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. *Affirmative; unique circumstances due to the placement of the engineered septic system*

MOTION

Motion by Carlile, seconded by Reynolds to approve the variance as requested; relief from Zoning Ordinance regulation, Section 4.40, which states that *“attached garages shall have a front setback that is at least ten (10) feet greater than the front setback of the principal building that is located on the portion of the lot.”*

ZBA 2014-10-07 5A

Roll Call

Ayes: Carlile, Murray and Reynolds

Nays: Kubesh and McClorey

Absent: None

Motion carries

Chair Kubesh opened the public hearing at 5:29 pm

**Variance Request
710 Lake Park Drive
Dino Franchino**

The applicant Dino Franchino presented an updated site plan drawing to the board with the placement of the garage moved an additional 4 ft. back towards the rear of the lot; different than what was included in the agenda packet. It shows a side yard 3 foot setback from the drip line; and 5 feet distance between the house and the garage. The lot has a steep slope in the back, making it difficult to build without adding a lot of fill and building up the foundation of the garage.

Roger Reynolds asked to recuse himself, as he is a close neighbor and also on the Architectural Review Board with the Harborage Park Association who reviewed this plan several times prior to coming to the ZBA for the variance approval.

The building has been downsized in width to 12 ft, from the proposed 13 ft; however, the length will remain at 22 ft. It is the narrowest lot in the association; our main goal is to make it functional and visually appealing. It will only have a 6” overhang. The driveway was already there, just trying to place the garage with the existing lines.

Michael Shean Representing the Architectural Review Committee - We have reviewed the plan very carefully, looking from Front and Lake Park Dr. The plan he presented to us, we approved aesthetically as long as it conformed to city code, it would be acceptable to us. The plan he presents to you tonight, is not that plan, he has move the garage a considerable distance “back” or towards Front Street and will stick out from the imaginary line that you see going down the street than what was presented to our committee. It will expose more foundation wall. We would like to look at again, the approval given is not for this design, and I hesitate to speak for the entire committee.

Franchino - Thought it would make sense, and open up the view; also the garage was moved, to allow me to help divert water running down the driveway away from the main garage door, I didn’t think moving it back would be a problem.

Richard Cook Neighbor – Showed pictures of his house and garage. I am against this variance; he knew what he was getting into when he bought the property. We

are not against moving the garage closer to ours; if they put a fire wall between us, instead of going back towards Front St. I have nothing against him as a neighbor; he is a heck of a guy, I just don't like the structure going back.

MOTION

After board discussion, motion **by Kubesh, seconded by Carlile**, to table the request until next month to allow additional review of the changed proposal by the Homeowners Association.

Staff did clarify that the ZBA decision was not bound by the Homeowner Association's decision.

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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**

Charlevoix County Planners Forum will be held on October 30th at 6:00 pm at the Charlevoix District Library, if you are interested in going, advise staff.

Next Meeting

The next meeting of the Boyne City Zoning Board of Appeals is scheduled for November 4, 2014 at 5:00 p.m.

**Adjournment
MOTION**

ZBA 2014-10-7-10

Carlile moved, Murray seconded, PASSED UNANIMOUSLY a motion to adjourn the Tuesday, October 7, 2014 Boyne City Zoning Board of Appeals meeting at 6:09 p.m.

Patrick Kubesh, Chair

Pat Haver, Recording Secretary