

**BOYNE CITY
ZONING BOARD OF APPEALS MEETING
Tuesday, May 1, 2012
5:00 P.M.
Boyne City Commission Chambers, City Hall**

1. **CALL TO ORDER AND ROLL CALL**
Excuse Absences
2. **APPROVAL OF MINUTES – October 4, 2011**
3. **HEARING CITIZENS PRESENT (on non-agenda items)**
4. **CORRESPONDENCE**
5. **NEW BUSINESS**
 - A. Election of Officers
 - B. Variance Request 321 E. Pine
6. **OLD BUSINESS**
 - A.
7. **REPORTS OF OFFICERS, BOARDS, AND STANDING COMMITTEES**
8. **GOOD OF THE ORDER**
9. **ANNOUNCEMENTS**
10. **ADJOURNMENT**

Next meeting June 5, 2012

**Meeting Of
October 4, 2011**

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 4, 2011 at 5:00 p.m.

Call To Order

Chair Kubesh called the meeting to order at 5:04 p.m.

Roll Call

Present: Bob Carlile, Pat Kubesh, John McClorey, and Roger Reynolds
Absent: Lynn Murray

Meeting Attendance

City Officials/Staff: Assistant Planning Director Shannon McMaster and Recording Secretary Pat Haver
Public Present: None

**Approval of the Minutes
MOTION**

ZBA 2011-10-4-2
Carlile moved, Kubesh seconded PASSED UNANIMOUSLY a motion to adopt the September 6, 2011 minutes as presented.

Hearing Citizens Present

None

Correspondence(s)

None

New Business

**Variance request from Chad
Culver 321 E. Pine St.**

Public Hearing Opened at 5:05 pm
Assistant Planning Director McMaster reviewed his staff report that was included in the agenda packet. Mr. Culver is requesting a variance to build additional living space over a 2-stall garage. The addition on the house would follow the front line of the existing non-conforming structure which would require a front yard setback of 3.5 feet and a garage setback from the front of the house of 4 feet. The property is located in the TRD district and a survey shows steep slopes in the area of the proposed garage.

Kubesh - I see one issue with the indicated 18" overhang/drip edge. It looks like it was not considered in the request for the variance.

McMaster - The notice for the variance does give dimensions.

Kubesh - The front yard setback and garage setback are different than noticed. Should we table at this point?

Carlile - I believe yes, and because of possible lack of interest on the applicant's part due to his absence, should we accommodate something not to their liking?

Public hearing closed at 5:16 p.m.

With no further board discussion, **motion by McClorey seconded by Reynolds** to table this matter until staff can find out the intention of the landowner; if they wish to continue with the application.

MOTION

ZBA 2011-10-4-5A

Roll Call

Ayes: Carlile, Kubesh, McClorey, and Reynolds

Nays: None

Absent: Murray

Motion carried

Old Business

None

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

None

**Announcements
Next Meeting**

The next meeting of the Boyne City Zoning Board of Appeals is scheduled for November 1, 2011 at 5:00 p.m.

**Adjournment
MOTION**

ZBA 2011-10-4-10

Carlile moved, McClorey seconded, PASSED UNANIMOUSLY a motion to adjourn the Tuesday, October 4, 2011 Boyne City Zoning Board of Appeals meeting at 5:19 p.m.

Pat Haver, Recording Secretary

Pat Kubesh, Chair

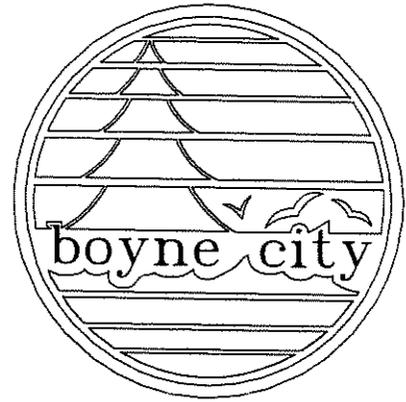
CITY OF BOYNE CITY

To: Chair Pat Kubesh and fellow ZBA members

From: Shannon McMaster
Boyne City Planning and Zoning

Date: April 19, 2012

Subject: Election of Officers and Membership Update



Background—Election of Officers

The City of Boyne City Zoning ordinance, Section 27.15, requires that the ZBA members shall select a chairperson and vice-chairperson at the May annual meeting. The Michigan Zoning Enabling Act contains no requirements about who may be elected an officer of the ZBA, except to prohibit an individual from being chairperson who serves on both the local legislative body (the City Commission) and the ZBA.

The ZBA Bylaws (Article VI) define the officers and their duties. Terms are for one year, and individuals may be re-elected. There is no limit to the number of terms an officer may serve. No current member of the Boyne City ZBA is restricted from serving as an officer.

Recommendation—Election of Officers

The ZBA should elect a chairperson and a vice-chairperson from its membership with each to serve a one year term.

Background—Membership Update

The ZBA currently has a full complement of members. The Zoning Ordinance allows for the appointment of up to two alternate members to hear a case when a regular member is unable to serve.

The terms on the ZBA of two members expire on September 1, 2012. These members are John McClorey and Lynn Murray.

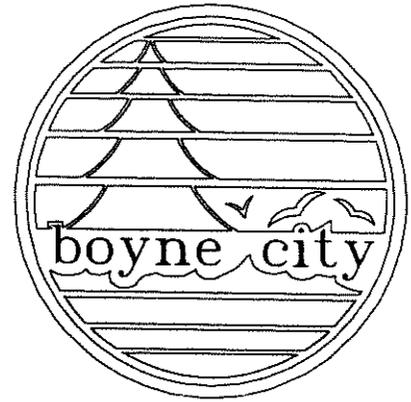
Recommendation—Membership Update

If you are aware of any city residents who might be interested in serving as an alternate member, please have those people contact me.

No action is required at this time on the expiring membership terms.

CITY OF BOYNE CITY

To: Chair Pat Kubesh and fellow ZBA members
From: Shannon McMaster, Assistant Planner
Date: April 19, 2012
Subject: Variance Request at Vacant Lot on Bay St.
PID 051-173-007-00



Background

The applicants, Richard and Patricia Viard own a vacant lot on the northeast corner of the intersection of Bay Street and Mechanics Street. The subject parcel appears as currently configured on the original plat. Note the dimensions of the property on the attached survey.

The property is located in the Waterfront Residential District, which has the following setback requirements:

- Front: 35 feet
- Sides: At least one of 5 feet, with a total of the two of 15 feet
- Rear 15 feet

Additionally, Section 21.18 requires that corner lots observe the front yard setback on both streets, meaning the setback from both Bay Street and Mechanic Street is 35 feet.

Discussion

The applicants are requesting a variance from the 35 feet setback requirement allowing for a setback of 20 feet. The width of the property varies from 67.28 feet along the front (Bay Street) to 79.82 feet along the rear. Please see the attached excerpt from the survey showing the footprint of a proposed structure, and the building envelope as allowed by the ordinance setback standards.

I have been contacted by Jack Courtney and Pam Manning, neighboring property owners, who had questions, and raised no objections. I have received a letter from Haggard's Plumbing in support of the request.

Summary

The applicant is requesting a variance from the 35 feet setback requirement of the Waterfront Residential District for a setback of 20 feet on the Mechanics Street side. The ZBA should review the enclosed information, visit the property, and apply the standards in Section 27.45.

Exhibits

- A. Boyne City Zoning Ordinance (by reference)
- B. Application
- C. Survey
- D. Survey detail with conceptual structure footprint and building envelope
- E. Conceptual first floor plan
- F. Conceptual second floor plan
- G. Conceptual elevations
- H. Plat with subject parcel identified
- I. Color reference photos (two pages)
- J. Letter from Haggard's Plumbing



City of Boyne City

319 N. Lake Street
Boyne City, MI 49712-1188
231-582-0343

www.boyne-city.com
No Faxed Copies/Originals only

ZONING BOARD OF APPEALS APPLICATION

Owner Name: EICHARD & PATRICIA VIARD
Address: 9495 WEST KL AVE
KALAMAZOO MI 49009
Phone: 269 345 7486 E-mail: pviard@charter.net

Describe Variance Request: THIS 61' WIDE CORNER WFD LOT REQUIRES TWO 35' SETBACKS. WE ARE SEEKING A VARIANCE FROM 35' TO 20' ON THE MECHANICS ST SIDE. EXISTING REQUIREMENTS IMPOSE A HARDSHIP ON THE RETIRED OWNERS WHO ARE SEEKING TO BUILD A HOME WITH COMPLETE LIVING SPACE ON THE MAIN FLOOR. THE SECOND FLOOR WOULD BE GUEST SPACE.

Property Street Address: CORNER OF WATER (BAY) & MECHANICS STREETS

Nearest Intersection: _____

Property Tax ID #: 051-173-007-00 Zoning District: _____

Legal Description of Property (attach separate sheet if necessary): _____

(COPY OF SURVEY ATTACHED) CITY OF BOYNE CITY WMT ADDIS ADDITION TO SPRING HARBOR LOT 7 BLK. 3

Please attach:

- Proposed building/construction with dimensions and front, side and rear yard setbacks
- Existing buildings/structures including decks, driveways, storage buildings, etc.
- Lot lines and dimensions and layout, including parking/loading areas
- Photos, prints, maps, graphics, or drawings of current site
- Copy of Soil Erosion permit application or MDNR permit application, if applicable
- Letter of approval from association's Aesthetic Review Committee, if applicable
- Well and/or septic permit or copy of approved City sewer/water application, if applicable
- Pertinent topographic features (steep slopes, trees, water, etc.)
- 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

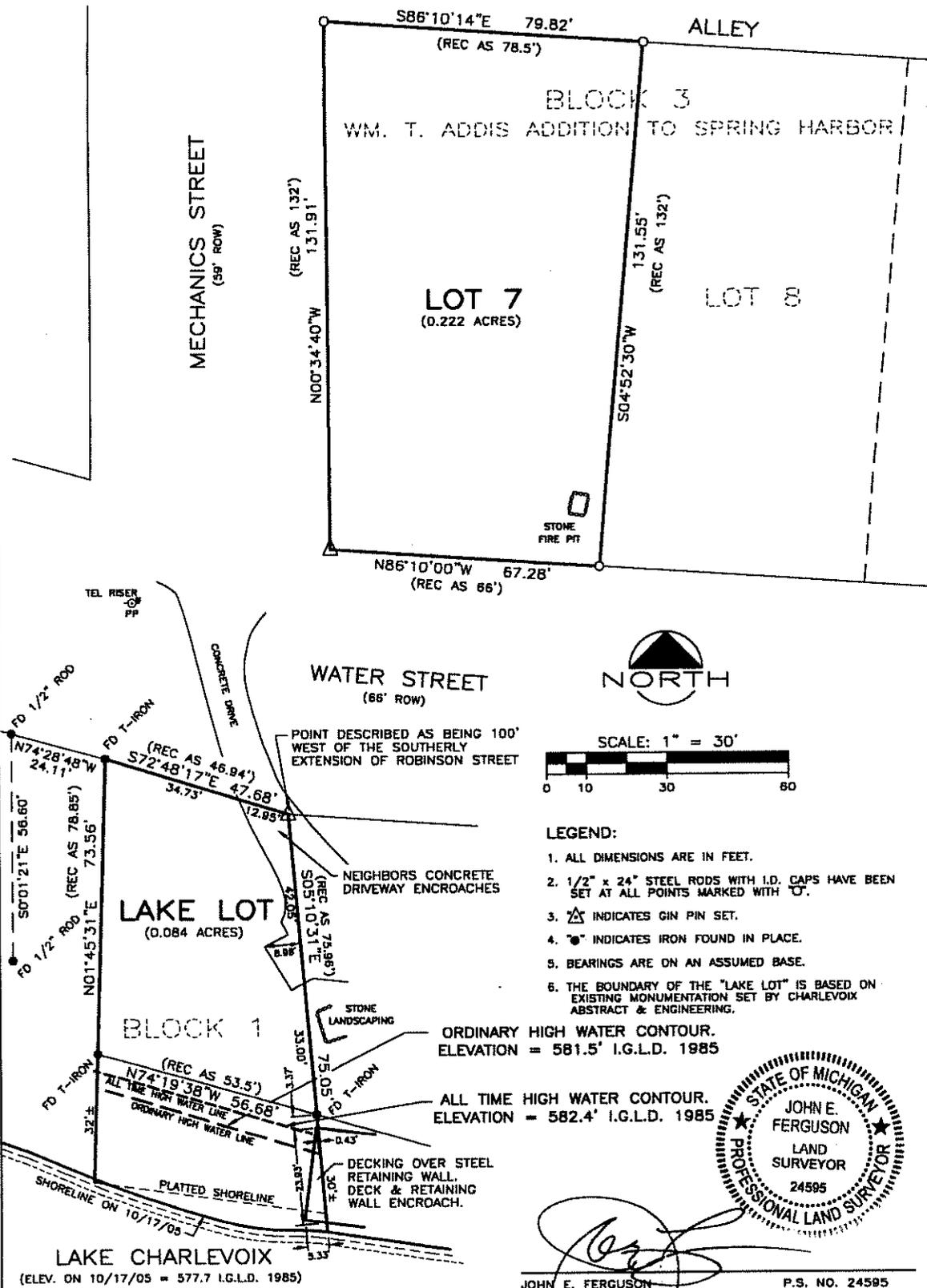
Note: I understand and agree to abide by all provisions of the Boyne City Zoning Ordinance as well as all procedures and policies of the Boyne City Zoning Board of Appeals as those provisions, procedures, and policies relate to the handling and disposition of this application; that the above information 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 Richard Viard Date 3 APRIL 2012
Patricia Viard

This is to certify the required filing fee was received on Ap. 13, 2012 and documented with receipt number 24447. This application is scheduled for public hearing on May 1, 2012
Staff Initials SM

CERTIFIED TO: RICHARD & PAT VIARD
9495 W. KL Avenue
Kalamazoo, MI 49009

PART OF BLOCK 1, & LOT 7, BLOCK 3
WM. T. ADDIS ADDITION TO SPRING HARBOR
CITY OF BOYNE CITY, CHARLEVOIX COUNTY, MICHIGAN



- LEGEND:**
1. ALL DIMENSIONS ARE IN FEET.
 2. 1/2" x 24" STEEL RODS WITH I.D. CAPS HAVE BEEN SET AT ALL POINTS MARKED WITH 'O'.
 3. 'X' INDICATES GIN PIN SET.
 4. '●' INDICATES IRON FOUND IN PLACE.
 5. BEARINGS ARE ON AN ASSUMED BASE.
 6. THE BOUNDARY OF THE "LAKE LOT" IS BASED ON EXISTING MONUMENTATION SET BY CHARLEVOIX ABSTRACT & ENGINEERING.



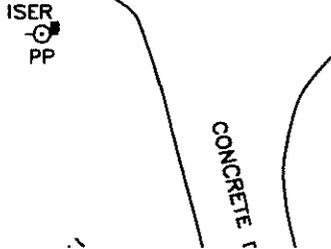
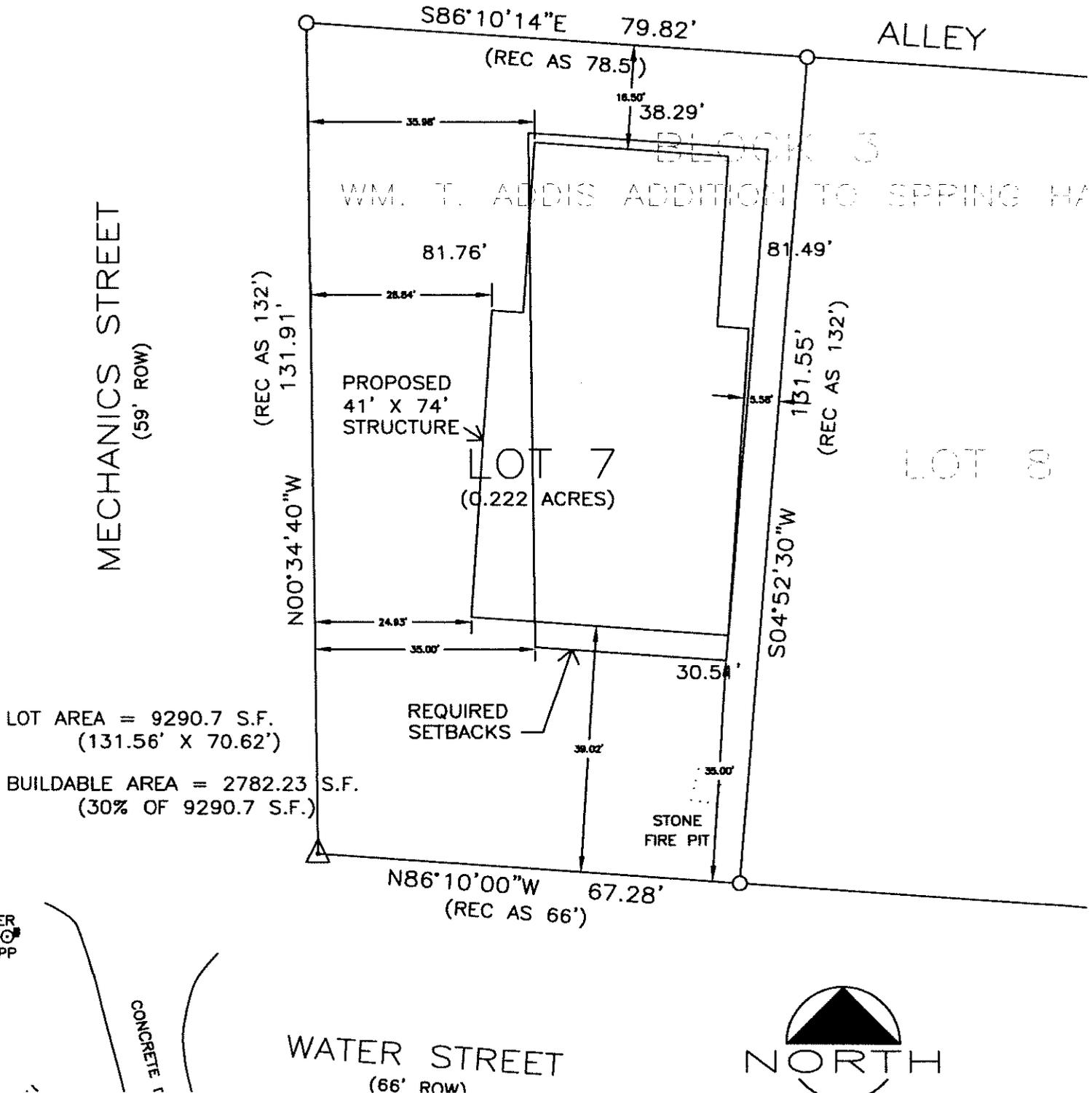
(Signature)
JOHN E. FERGUSON P.S. NO. 24595

I HEREBY CERTIFY that I have surveyed and mapped the property hereon delineated and that the ratio of position closure of the unadjusted field data exceeds 1:5000; and that it complies with P.A. 132, 1970.

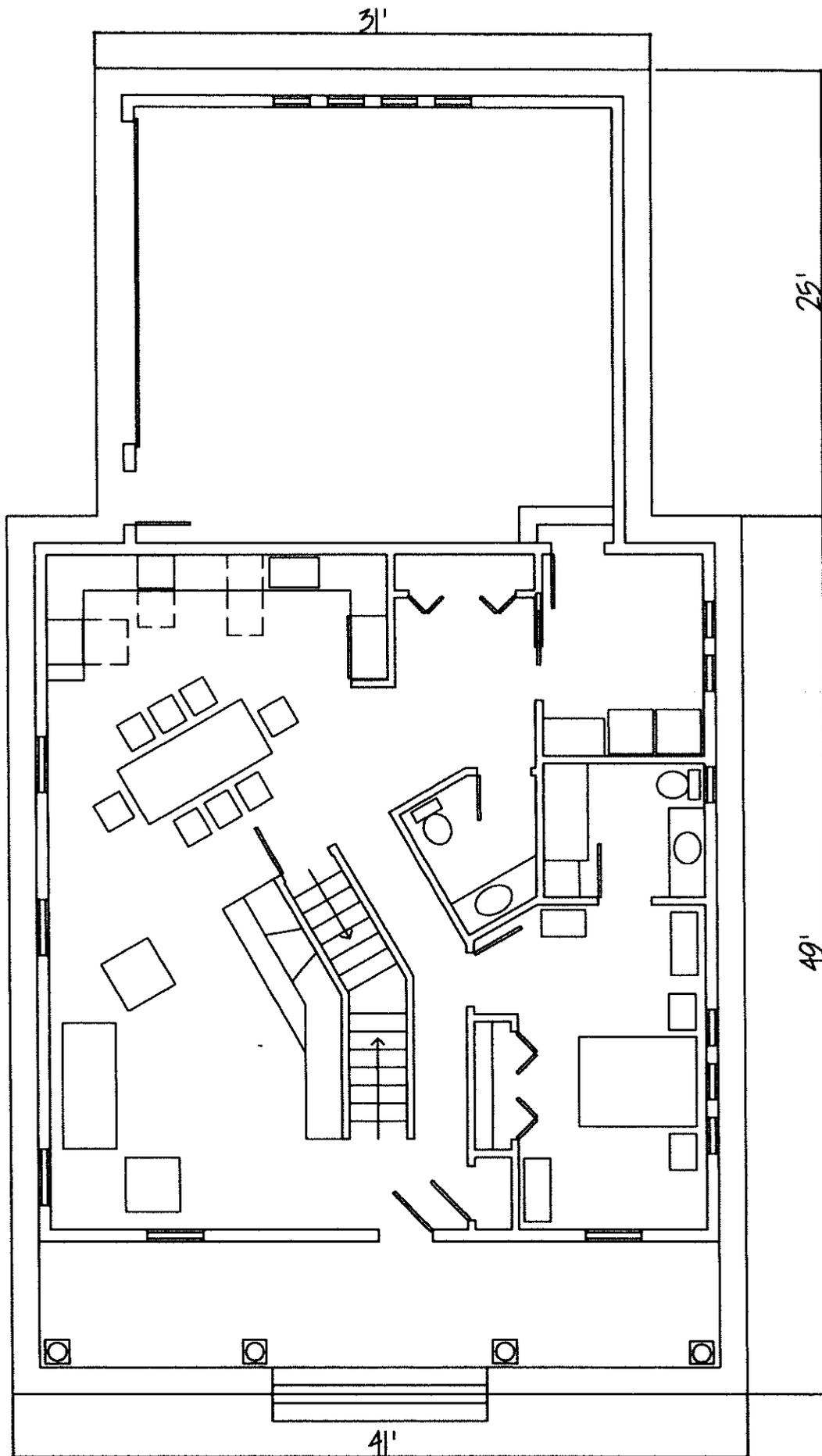
FERGUSON & CHAMBERLAIN ASSOCIATES, INC
PROFESSIONAL SURVEYORS
103 W. UPRIGHT STREET, CHARLEVOIX, MICHIGAN 49720
(231) 547-6882 - FAX (231) 547-0021
EMAIL: survey@freeway.net

| | | |
|------------------|------------------|------------|
| FIELD: 10-17-05 | STAKED: 10-21-05 | DRAWN: IDS |
| JOB: SB21119c.05 | DATE: 10/25/2005 | |

PART OF BLOCK 1, & LOT 7, BLOCK 3
 WM. T. ADDIS ADDITION TO SPRING HARBOR
 CITY OF BOYNE CITY, CHARLEVOIX COUNTY, MICHIGAN

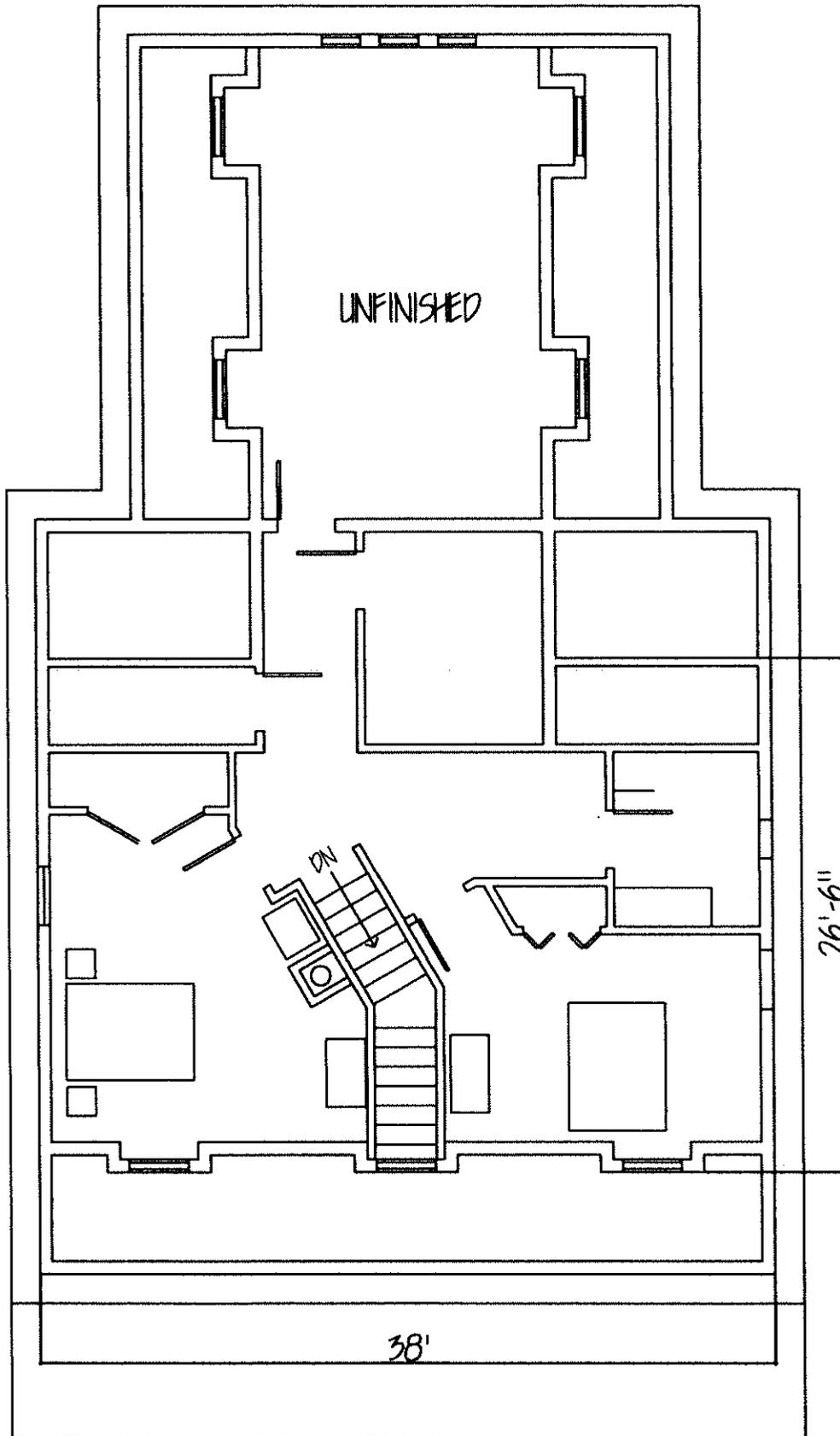


R & P VIARD
 VARIANCE REQUEST FOR LOT AT CORNER OF WATER & MECHANICS STREETS



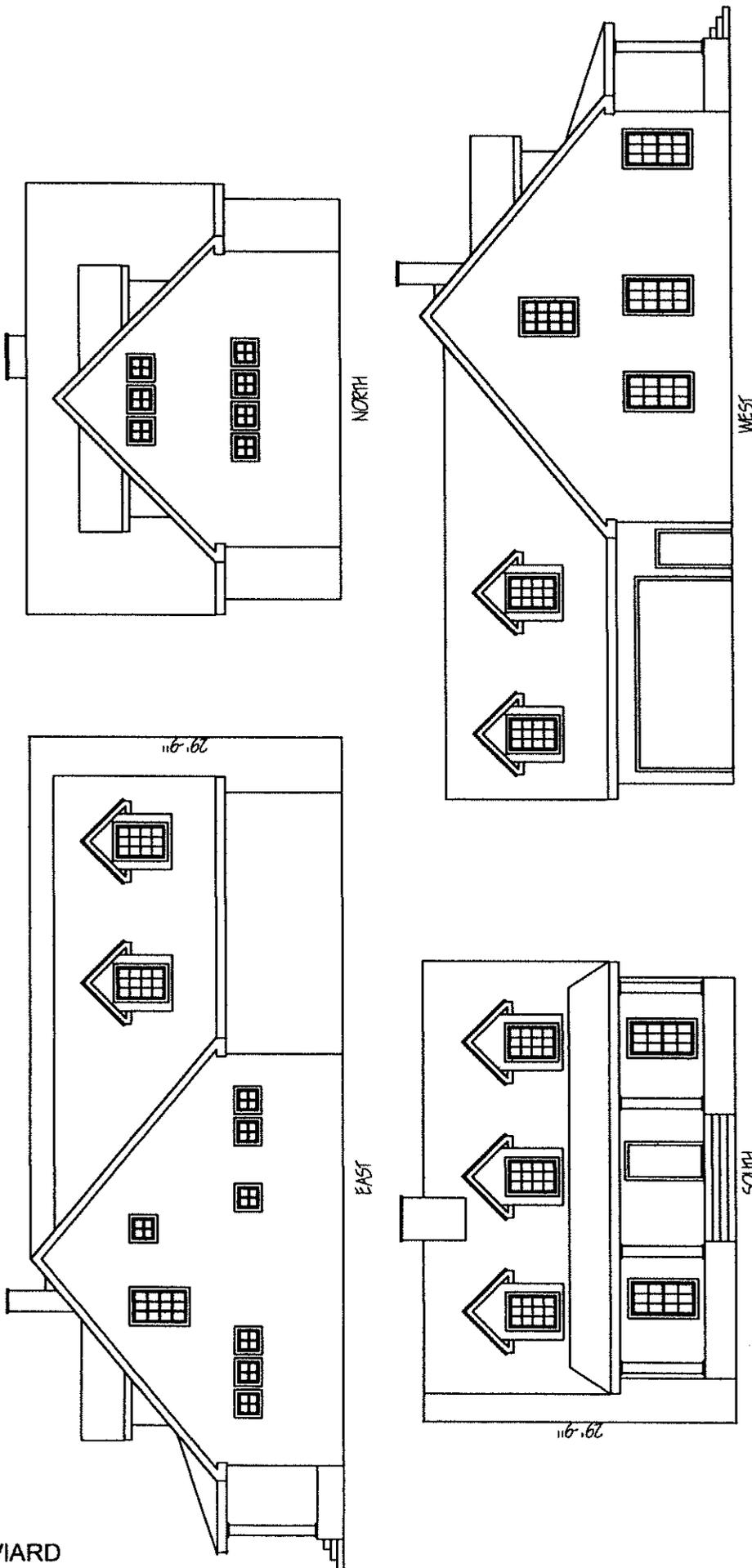
CONCEPT 1ST FLOOR PLAN - 2784 S.F.

R & P VIARD
VARIANCE REQUEST FOR LOT AT CORNER OF WATER & MECHANICS STREETS



CONCEPT 2ND FLOOR PLAN - 1007 S.F.

R & P VIARD
VARIANCE REQUEST FOR LOT AT CORNER OF WATER & MECHANICS STREETS



CONCEPT ELEVATIONS

R & P VIARD
 VARIANCE REQUEST FOR LOT AT CORNER OF WATER & MECHANICS STREETS

State of Michigan
 County of Washtenaw
 In the County of Washtenaw, State of Michigan, I, the undersigned, Clerk of the County, do hereby certify that on this day I have received from the said [Name] a certain plat of land containing [Area] of land, more or less, as shown on the plat hereunto annexed, and that the same is a true and correct copy of the original plat on file in my office.



15874

RECEIVED AND FILED
 In Auditor General's Office
 May 21 1884
 Wm. B. Chapin, Auditor General

Plat for [Name]
 of [Name]
 in [Name]
 of [Name]

Whereas [Name] and [Name] are the owners of the above plat of land, and whereas the same is a true and correct copy of the original plat on file in my office, I do hereby certify that the same is a true and correct copy of the original plat on file in my office.

Subject Property

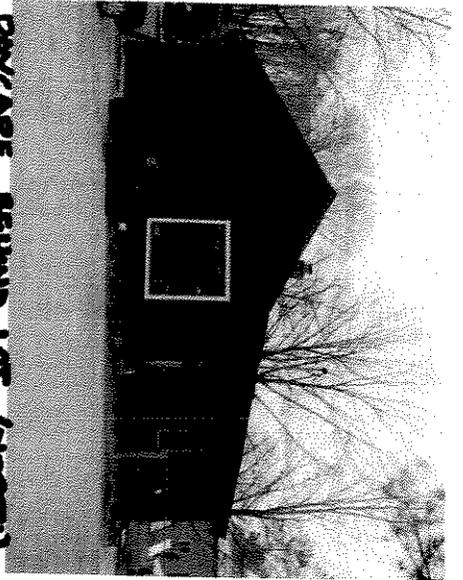
William B. Chapin, Auditor General
 State of Michigan
 County of Washtenaw
 In the County of Washtenaw, State of Michigan, I, the undersigned, Clerk of the County, do hereby certify that on this day I have received from the said [Name] a certain plat of land containing [Area] of land, more or less, as shown on the plat hereunto annexed, and that the same is a true and correct copy of the original plat on file in my office.

Plat for [Name]
 of [Name]
 in [Name]
 of [Name]

RECEIVED AND FILED
 In Auditor General's Office
 May 21 1884
 Wm. B. Chapin, Auditor General

Plat for [Name]
 of [Name]
 in [Name]
 of [Name]

MECHANICS STREETS



DRYCLARE BEHIND LOT (NORTH)



LOT + RIGHT OF WAY LOOKING NORTH



LOOKING WEST



LOOKING SOUTH



EAST NEIGHBOR



**RIGHT OF WAY
LOOKING SOUTH FROM ALLEY
STREET TO LEFT OF THIS**



WEST NEIGHBOR



LOT LOOKING NORTH

**R + P VIARD
VARIANCE REQUEST FOR LOT AT CORNER OF (WATER) BDN &**



FENCE ON LOT LINE - BLOC. 16' EAST OF LOT LINE



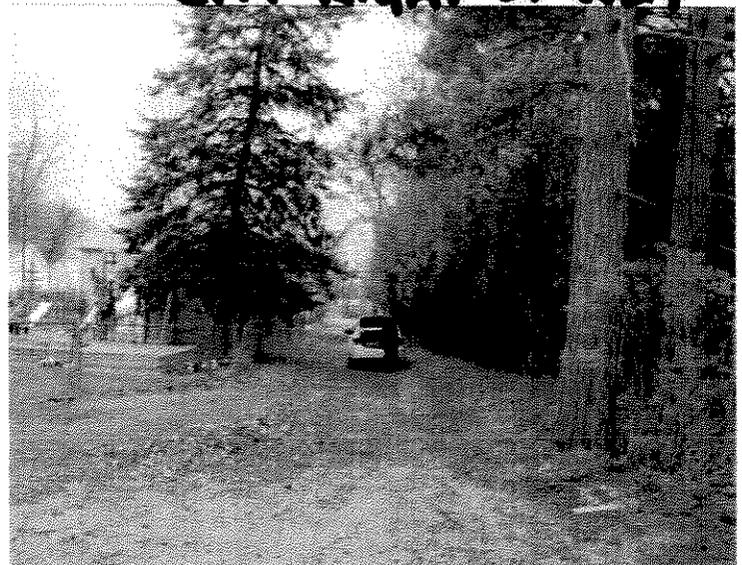
LOOKING SOUTH



CITY RIGHT OF WAY



LOOKING EAST



ALLEY BEHIND LOT

Haggard's

PLUMBING and HEATING

"Business of Quality and Service"

"Charlevoix-the-Beautiful"

haggardsinc@hotmail.com

Date: April 04/16/2012

To: City of Boyne City Zoning Board of Appeals
319 N. Lake Street
Boyne City, MI 49712

Re: Parcel Number 15-051-173-007-00
Variance request for reduced setback
Waterfront Residential

To whom it may concern:

Upon reviewing the above Notice of Public Hearing of Appeals, I would like to express my support with the above request of the Owner. Haggard's Plumbing & Heating is not at all opposed to the changes of their property, and or the request to Zoning Board. If a property owner is fortunate enough to have the ability and the resources in this time of economical struggles, to either build and, or improve their existing property we would like to see their request granted. It would prove positive for both, Local, County, State and US to do all we can to improve and promote growth in any way possible.

Sincerely,

Haggard's Plumbing & Heating

Boyer City
Zoning Board of Appeals

2012

| January | | | | | | | February | | | | | | | March | | | | | | | April | | | | | | |
|---------|----|----|----|----|----|----|----------|----|----|----|----|----|----|-------|----|----|----|----|----|----|-------|----|----|----|----|----|----|
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| September | | | | | | | October | | | | | | | November | | | | | | | December | | | | | | |
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| 23 | 24 | 25 | 26 | 27 | 28 | 29 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 25 | 26 | 27 | 28 | 29 | 30 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | |