

BOYNE CITY  
ZONING BOARD OF APPEALS MEETING  
Tuesday, December 1, 2015  
5:00 P.M.  
Boyne City Commission Chambers, City Hall

1. CALL TO ORDER AND ROLL CALL
2. APPROVAL OF MINUTES – November 3, 2015
3. HEARING CITIZENS PRESENT (on non-agenda items)
4. CORRESPONDENCE
5. NEW BUSINESS
  - A. Variance Request – 1213 Nordic Drive
6. OLD BUSINESS
  - A. 515 Lewis Ave. zoning permit expiration and renewal
7. REPORTS OF OFFICERS, BOARDS, AND STANDING COMMITTEES
8. GOOD OF THE ORDER
9. ANNOUNCEMENTS
  - A. Next regularly scheduled meeting is January 5, 2016
10. ADJOURNMENT



[www.cityofboynecity.com](http://www.cityofboynecity.com)

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

*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*

**Meeting Of  
November 3, 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, November 3, 2015 at 5:00 p.m.

**Call To Order**

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

**Roll Call**

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

**MOTION**

**ZBA 2015-11-03 1**

**Murray moved, Reynolds seconded, PASSED UNANIMOUSLY** a motion to excuse the absence of Carlile.

**Meeting Attendance**

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

**Approval of the Minutes  
MOTION**

**ZBA 2015-11-03 2**

**Murray moved, Reynolds seconded, PASSED UNANIMOUSLY**, a motion to approve the June 2, 2015 minutes as presented.

**Hearing Citizens Present**

None

**Correspondence(s)**

None

**New Business**

Public hearing opened at 5:02 pm

**Variance Request 628 W.  
Michigan Avenue**

Assistant Planning Director Patrick Kilkenny reviewed his staff report that was included in the agenda packet; the current owner David Austin is requesting a variance from the Boyne City Zoning Ordinance regulation, Section 4.40 – Development Requirements, A. Building Design, 3. *“Accessory buildings and attached garages shall have a front yard setback that is at least ten feet greater than the front setback of the principal building that is located on the front portion of the lot”* The purpose of the request is to move and reconstruct an existing garage immediately west of the residence. The variance request is for approximately 5’ of relief from the required 10’ setback from the front of the principal building.

**David Austin: applicant** – One correction, we actually own 1.7 acres. We would like to re-purpose the garage instead of putting it into a landfill, and with this variance it will also allow us to construct an ADA ramp as a way to enter the residence for our parents who are aging out and we will be taking care of them. The only way currently to get into the house is by stairs. The topography of the land in the back area prohibits us from moving the structure back any further and still allow construction of a ramp.

**Kubesh** – Will the ramp gain entrance into the house at the garage level or upper level?

**Austin** – Upper level, as an entrance will replace the current window shown in the photo. The garage will end approximately 1 foot to the right from the proposed entrance.

**Murray** – In a previous case, we looked at ADA and denied the request, I believe that we should just look at only the variance request in this situation tonight.

**George Ellwanger: neighbor** – I live directly across the street, and previously owned this residence, I know the challenges with the stairs, I believe this is a great idea and in full support of the variance of 5 feet.

**Tom Miller: neighbor at 643 W. Michigan Ave.** – I am also in support, and have no problems with the request.

Public hearing closed at 5:12 pm

Board Deliberation and Finding of Fact.

#### GENERAL FINDINGS OF FACT

1. The property is owned by David K. Austin.
2. The property identification number is 15-051-185-005-10.
3. The property is in the Traditional Residential District (TRD).
4. The property currently includes a principal residence and accessory buildings.
5. Access to the property is provided by W. Michigan Ave. which is a public road that bounds the south side of the parcel.
6. The adjacent properties to the north, east and west are zoned TRD.
7. Properties to the south across W. Michigan Ave. are zoned Waterfront Residential District (WRD).
8. Properties adjacent to the subject property are privately owned, and include existing single family dwellings.
9. To the south the property is bounded by W. Michigan Ave.
10. The property is not irregularly shaped.
11. The topography of the property is steep and wooded in the south west, steep and open in the south east, and generally flat and wooded to the north.
12. Section 4.40(A)(3) of the City of Boyne City Zoning Ordinance states: "Accessory buildings and attached garages shall have a front yard setback that is at least ten feet greater than the front setback of the principal building that is located on the front portion of the lot."
13. The property is approximately ~~0.9~~ 1.7 acres in size (200' x 200').
14. The minimum lot area in the TRD is 5,445SF.
15. *Two adjacent neighbors are present and are in support of the request*
16. *The applicant is re-purposing an existing building instead of putting it into the landfill.*

#### 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.  
*Affirmative – Topography of the property is not practical in meeting the ordinance requirements.*
2. The variance granted is the smallest variance necessary to do substantial justice to the owner as well as to other property owners.  
*Affirmative*
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 – Topography of property and ordinance requirement causes need; 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.  
*Affirmative – Topography is unique to 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.

**ZBA 2015-11-03 5A**

**MOTION**

**Murray moved, Reynolds seconded** to grant the variance as presented. This variance request is for approximately 5 feet of relief from the required 10 foot setback from the front of the principal building.

**Roll Call**

Ayes: Kubesh, McClorey, Murray and Reynolds

Nays: None

Absent: Carlile

Abstain: None

*Motion carries*

Public hearing opened at 5:23 pm

**Variance request 629 S. East Street**

Assistant Planning Director Patrick Kilkenny reviewed his staff report that was included in the agenda packet; the current owner David B. Sandin is requesting a variance from the Boyne City Zoning Ordinance regulation, Section 21.36 – Accessory Buildings and Structures, A. General Standards (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 structurally attach the garage to the residence. The variance request is for approximately 10.8’ of relief from the required 15’ setback from the rear lot line of the property. The existing detached garage was built in the current location by a former owner of the property. The applicant states that the existing layout of the garage and residence causes excessive snow to drop from both roofs into the open space between the structures resulting in a safety hazard.

**David Standin: applicant** – We already have the permit for the structure, we do not have any plans to change the layout, and it is a huge safety issue with the snow falling from two different structures.

Public hearing closed at 5:38 pm

Board Deliberation and Finding of Fact.

**GENERAL FINDINGS OF FACT**

1. The property is owned by David B. Sandin.
2. The property identification number is 15-051-366-313-00.
3. The property is in the Traditional Residential District (TRD).
4. The property currently includes a principal residence and an accessory building (garage).
5. Access to the property is provided by both S. East St. and Morgan St. which are public roads that bound the west south side of the parcel respectively.

6. The adjacent properties to the north, south, east and west are zoned TRD.
7. Properties adjacent to the subject property to the north, west, and east are privately owned, and include existing single family dwellings.
8. To the south across Morgan St. is a parcel approximately 8.3 acres, vacant, and owned by the Boyne City Housing Commission
9. The property is not irregularly shaped.
10. The topography of the property generally flat and open.
11. Section 21.36 – Accessory Buildings and Structures, A. General Standards (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.”
12. The property is approximately 8,415 sq. ft. in size (99’ x 85’).
13. The minimum lot area in the TRD is 5,445 sq. ft.
14. The existing accessory structure (garage) is detached from the principal structure (residence).
15. The existing garage is nonconforming due to a 10.8’ rear yard setback encroachment.

**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.  
*Affirmative – the pre-existing non-conformity is 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.  
*Affirmative*
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 - public safety and welfare will be enhanced by granting the variance.*
4. The need for the variance is not self created.  
*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.  
*Affirmative – the pre-existing circumstances are unique circumstances of 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.

**ZBA 2015-11-03 5B**

**Murray moved, Reynolds seconded** to grant the variance as presented. This variance request is for approximately 10.8 feet of relief from the required 15 foot setback from the rear lot line of the property.

**Roll Call**

Ayes: Kubesh, Murray and Reynolds

Nays: McClorey

Absent: Carlile

Abstain: None

*Motion carries*

**Recommendation of Zoning Board of Appeals Appointments of John McClorey and Lynn Murray**

The term of John McClorey and Lynn Murray expired on September 1, 2015. Both John and Lynn have indicated they are willing to serve another three year term. After board discussion, **motion by Kubesh, seconded by Reynolds** to recommend to the City Commission the reappointment of John McClorey and Lynn Murray to a three year term on the Zoning Board of Appeals to expire on September 1, 2018

**MOTION**

**ZBA 2015-11-03 5C**

**Roll Call**

Ayes: Kubesh, McClorey, Murray and Reynolds

Nays: None

Absent: Carlile

*Motion carries*

**Adoption of 2016 Calendar**

**ZBA 2015-11-03 5D**

**MOTION**

Included in the agenda packet is the 2016 meeting calendar, for your review and consideration. **Motion by Kubesh, seconded by Murray, PASSED UNANIMOUSLY**, to adopt the 2016 calendar as presented.

**Old Business  
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 December 1, 2015 at 5:00 p.m.

**Adjournment  
MOTION**

**ZBA 2015-11-03 10**

**Kubesh moved, McClorey seconded, PASSED UNANIMOUSLY** a motion to adjourn the Tuesday, November 3, 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:** December 1, 2015

**Subject:** Variance Request at 1213 Nordic Drive



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### Background

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.

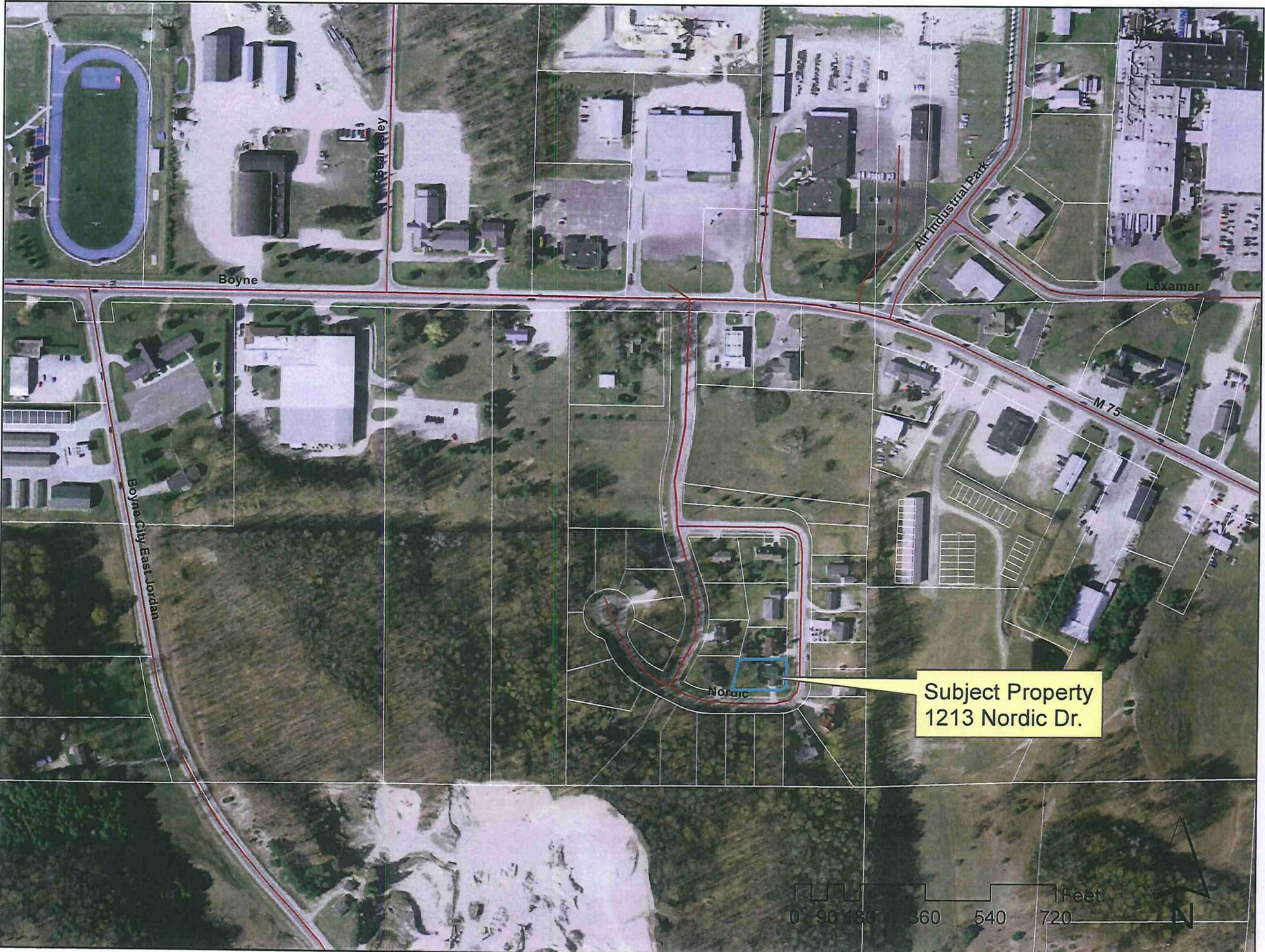
The ZBA should review the enclosed application, which includes various site photos and other information provided by the applicant, visit the property, and apply the standards in Section 21.36.

**Public Comment:**

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

**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
- G. Decision & Order with Findings of Fact



Boyne

Lexamar

Air Industrial Park

M 75

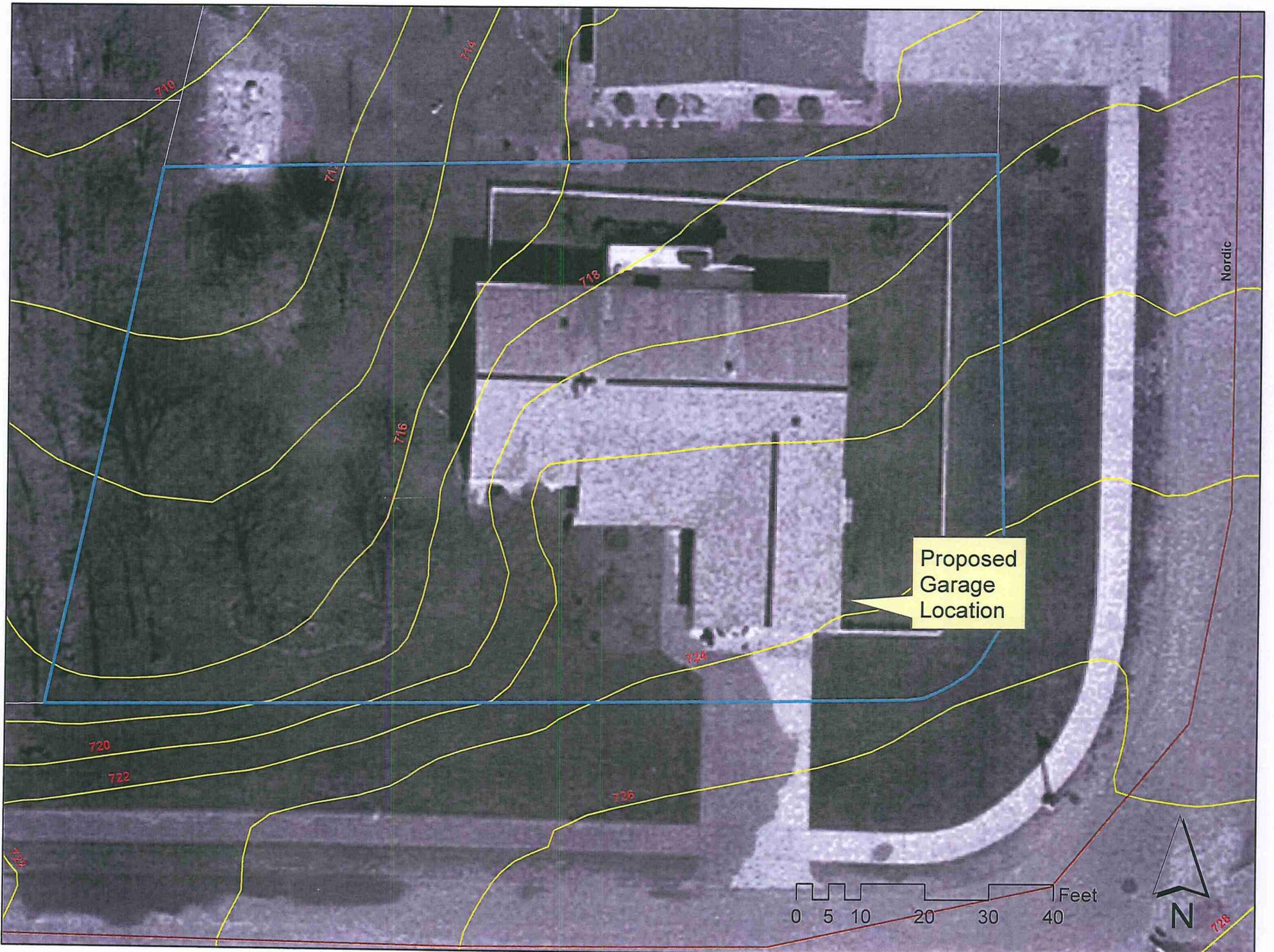
Boyne City East Jordan

Nordic

Subject Property  
1213 Nordic Dr.

0 90 180 360 540 720 Feet





# SITE PLAN OF

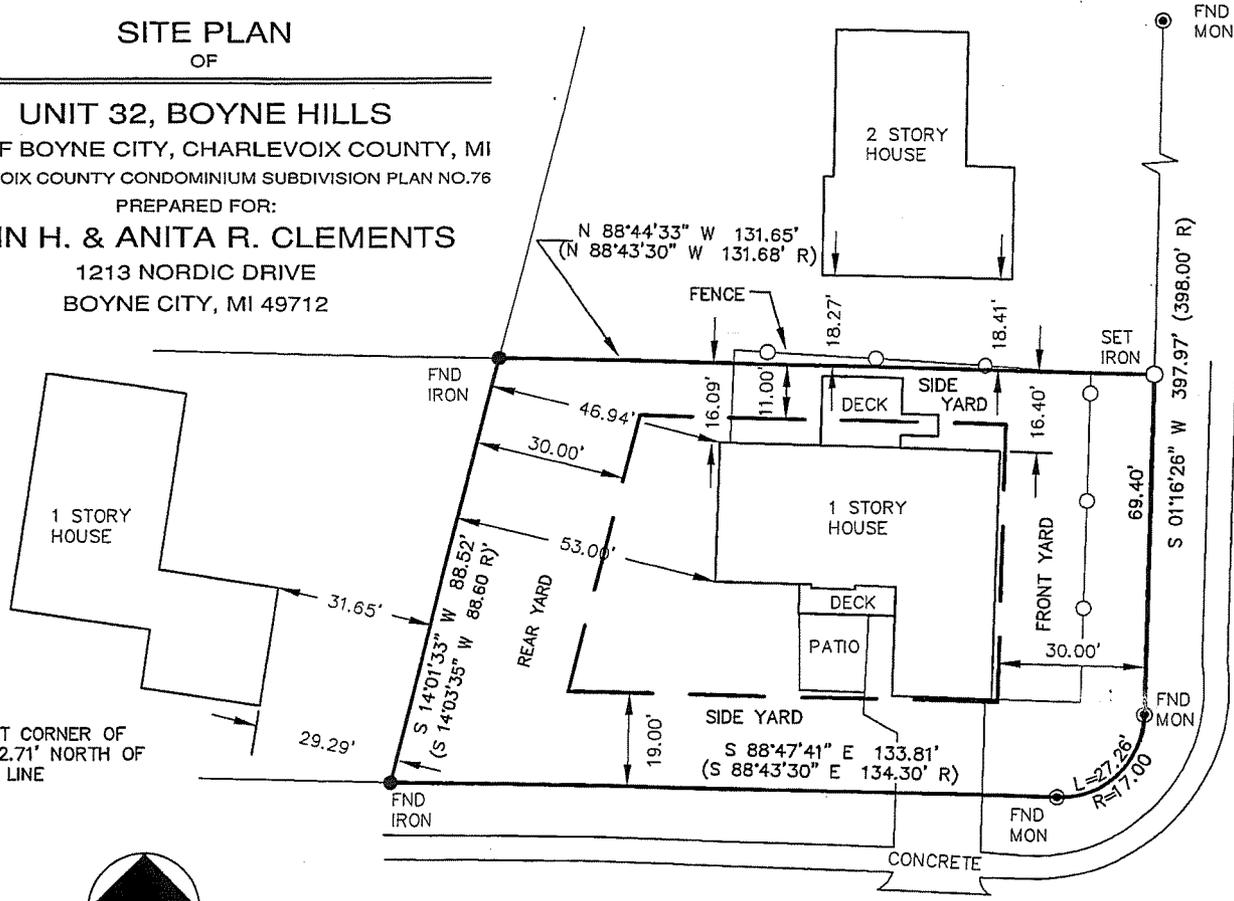
## UNIT 32, BOYNE HILLS

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

PREPARED FOR:

**JOHN H. & ANITA R. CLEMENTS**

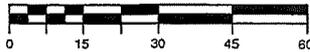
1213 NORDIC DRIVE  
BOYNE CITY, MI 49712



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) 547-6862 - FAX (231) 547-0021  
EMAIL: info@fcasurveying.com

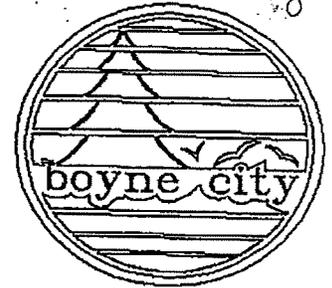
FIELD: MW  
JOB: SB-25789c-15  
STAKED: 10/12/2015  
DRAWN: MRW  
DATE: 10/15/2015

# 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:

- Single-Family Residential
- Two-Family Residential
- Multiple-Family Residential
- Other Residential
- Number of Units

- Commercial
- Industrial
- Addition/Remodel
- Other

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

Approximate Cost:

103,000<sup>00</sup>

Ellsworth, MI 49729

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/RF 3-15-95*

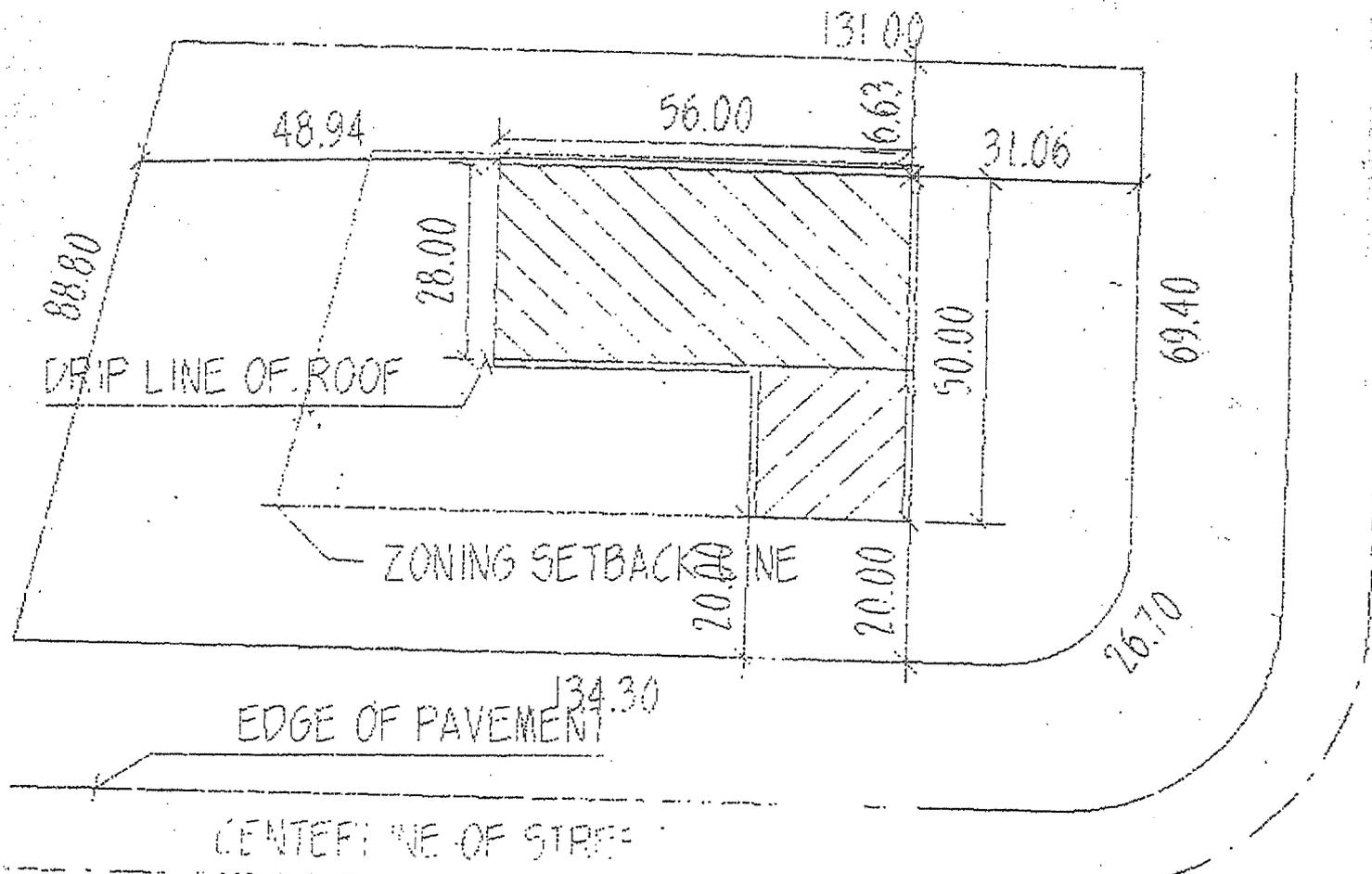
## CERTIFICATE OF OCCUPANCY

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.**



Lot # 32 "Boyer Hills" Sub. London  
 City of Boyne City, Michigan

SITE PLAN			
New Residence for Mrs. Cathy REN			
Prepared by	Date	Scale	S1
Checked by	Date	Scale	
Approved by	Date	Scale	

**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 21.20, 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 15-051-3-10-032-00 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) 587-0337 or e-mail [pkilkenny@boynecity.com](mailto: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-18593c-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 (616) 547-0021

231-547-6882

231-547-6882



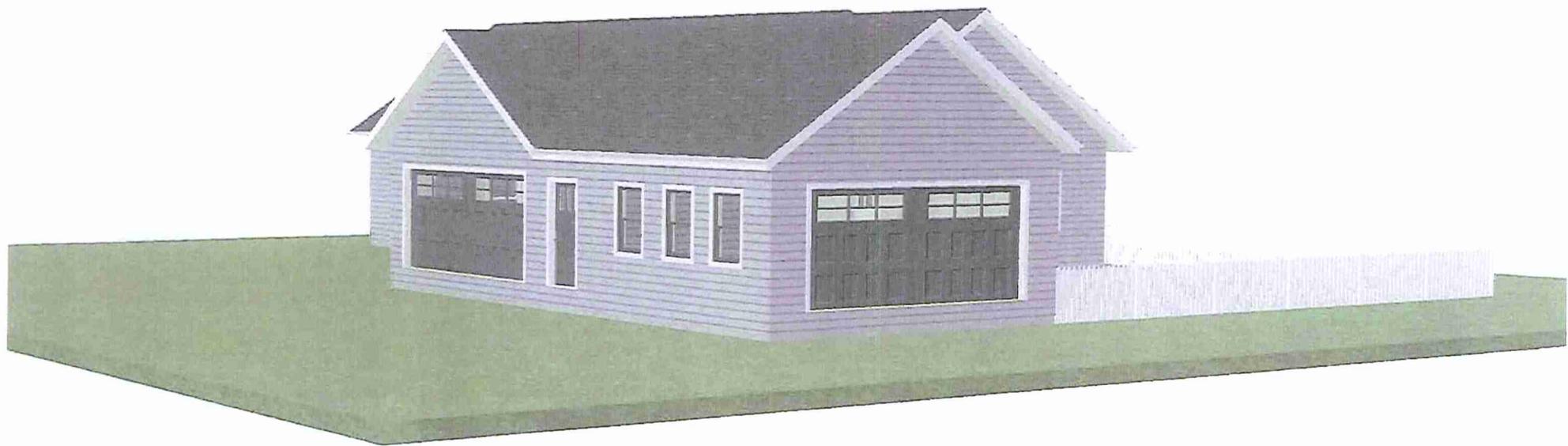
2#



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.

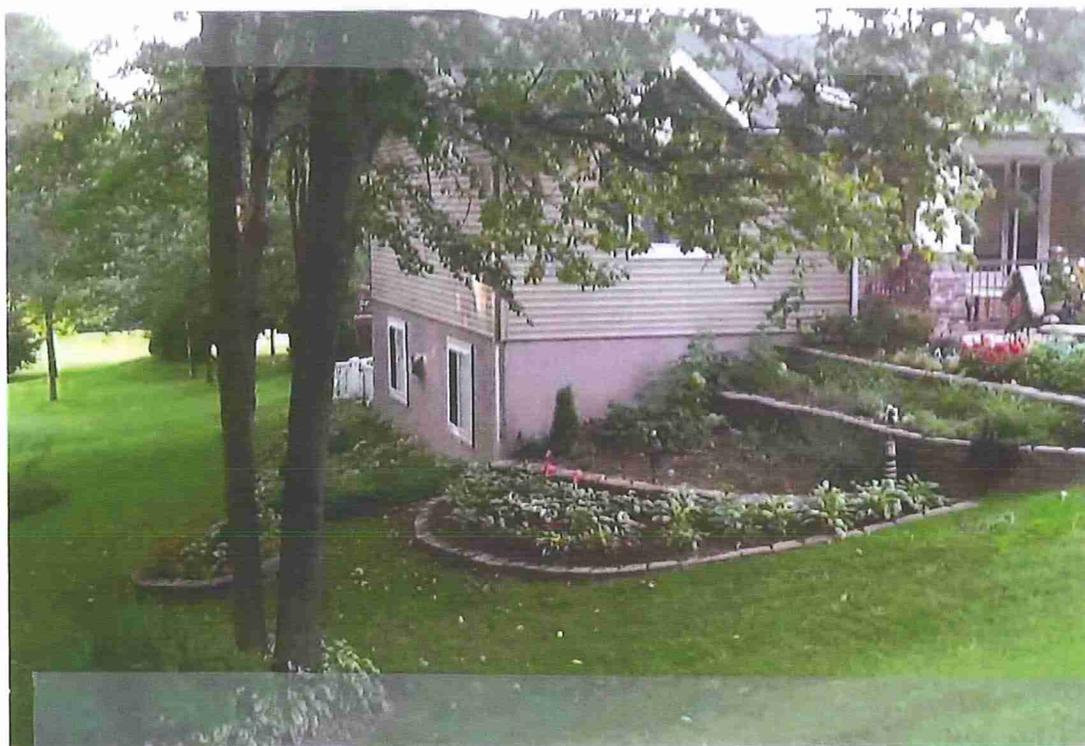


#4

← 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

#9

front yard  
property  
stake

Proposed  
garage  
stake

does not  
hinder  
visibility  
when rounding  
curve of  
street



#10

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

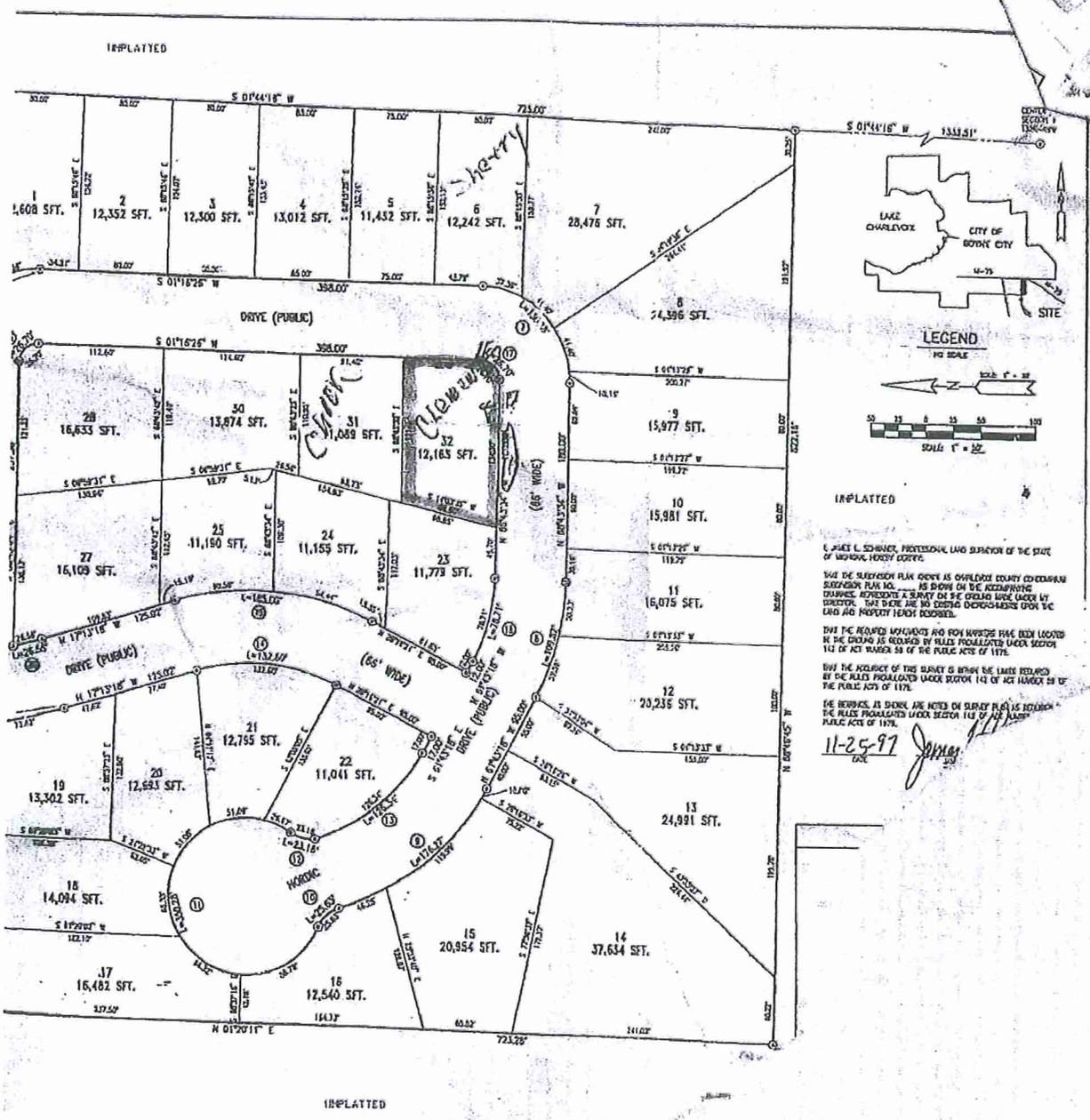
## GENERAL FINDINGS OF FACTS

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.

#10



**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**

**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** 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.

