

**BOYNE CITY
ZONING BOARD OF APPEALS MEETING**

Tuesday, November 4, 2014

5:00 P.M.

Boyne City Commission Chambers, City Hall



1. CALL TO ORDER AND ROLL CALL
2. APPROVAL OF MINUTES - October 7, 2014
3. HEARING CITIZENS PRESENT (on non-agenda items)
4. CORRESPONDENCE
5. NEW BUSINESS
 - A. Variance Request - 1113 Marshall Road
6. OLD BUSINESS
 - A. Variance Request - 710 Lake Park Drive
7. REPORTS OF OFFICERS, BOARDS, AND STANDING COMMITTEES
8. GOOD OF THE ORDER
9. ANNOUNCEMENTS
10. ADJOURNMENT

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

Approved: _____

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 noneonforming.~~
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 Sheean 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.

ZBA 2014-10-07 5B

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

City of Boyne City



To: Members of the Zoning Board of Appeals

From: Annie Doyle, Assistant Planner

Date: November 4, 2014

Subject: Variance Request at 1113 Marshall Road

Background

The applicants, Darryl and Donna Parish, own property in the Rural Estate District (RED) at 1113 Marshall Road (Property ID #: 051-403-010-45). The property has one primary dwelling structure and an existing attached garage.



Request

The applicant is requesting a 6 ft 6 in variance from the Boyne City Zoning Ordinance regulation, Section 20.10, requiring a 30 ft rear yard setback in the Rural Estate District. The purpose of this request is to build an 18 ft x 30 ft attached garage on the south/rear side of the property.

Property History

A Zoning Permit was issued to Higher Ground Construction, Darrell Heard, on August 28, 2001 for construction of a new dwelling and garage on the property. On February 8, 2002 a 4 ¾ inch variance was granted by the Zoning Board of Appeals on the height of the existing home above the 30 ft maximum.

Zoning Ordinance Requirements and the Proposed Construction Project

The following table details the relevant zoning ordinance requirements for the proposed development in the Rural Estate District. Setbacks amounts and approximations for the proposed development were made from a 2013 Survey and Site Plan provided by the applicant (Exhibit B) and Boyne City’s Planning Department ArcGIS.

| | Front Setback | Rear Setback | Side Setbacks | Height | Lot Width | Lot and Building Area |
|---------------------------------|---------------|--------------|---|-----------------|------------------|---|
| Rural Estate District | 30 ft | 30 ft | 10 ft (each side) 30 ft (total) | 30 ft (maximum) | 100 ft (minimum) | Lot: 10,890 SF (minimum) |
| Proposed Attached Garage | - | 23.5 ft | 19.9 ft (west lot line) 25.1 ft (east lot line) 45 ft (total) | - | 72 ft (approx) | Lot: 15,000 SF (approx) Proposed Garage: 540 SF Existing Primary Dwelling: 1,696 SF (approx) |

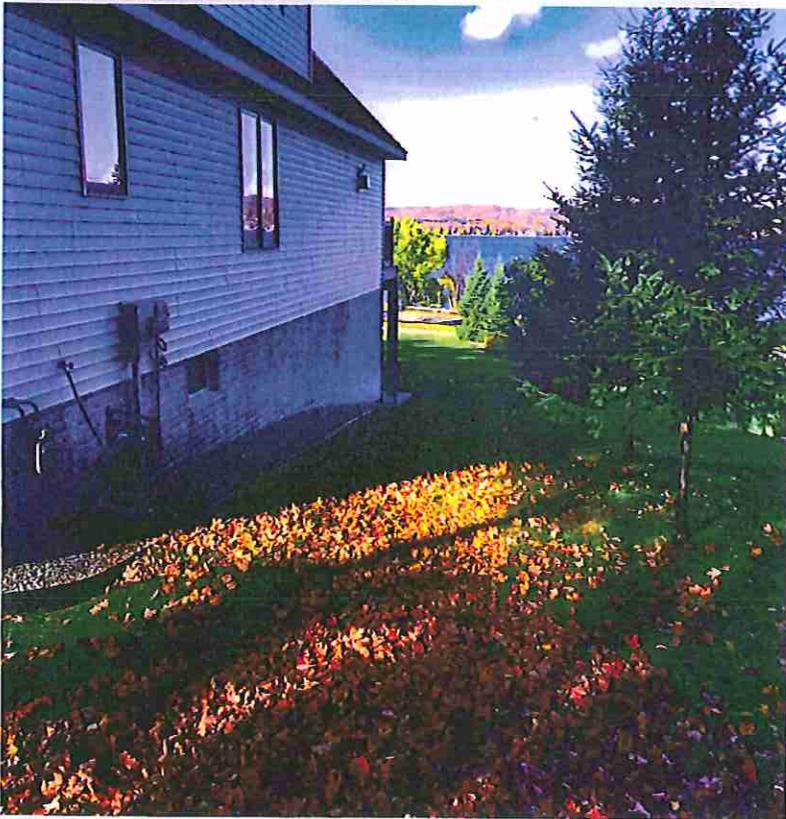
The following image provides a visual for the setbacks detailed in the table above. The aerial photo was provided by Charlevoix County (2004) and the setbacks were calculated using the Site Plan/Survey provided by the applicant (Exhibit B).



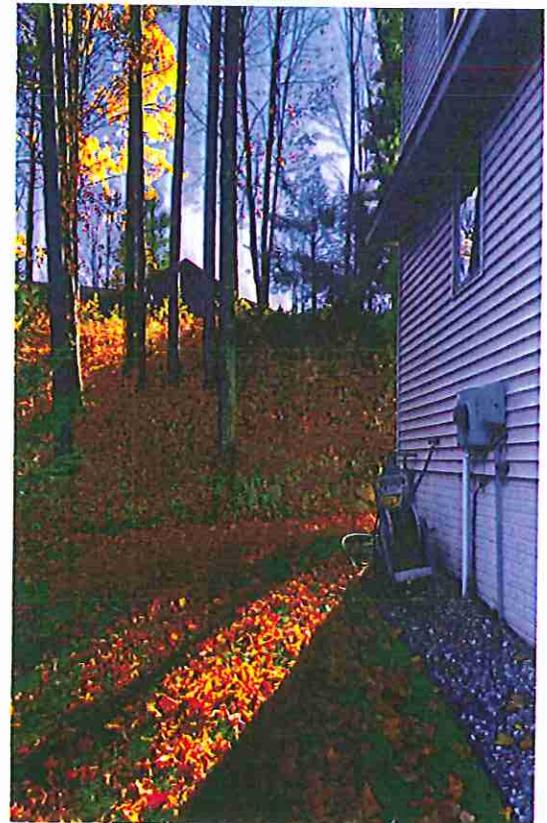
Photos of Proposed Development Site – Taken October 28, 2014



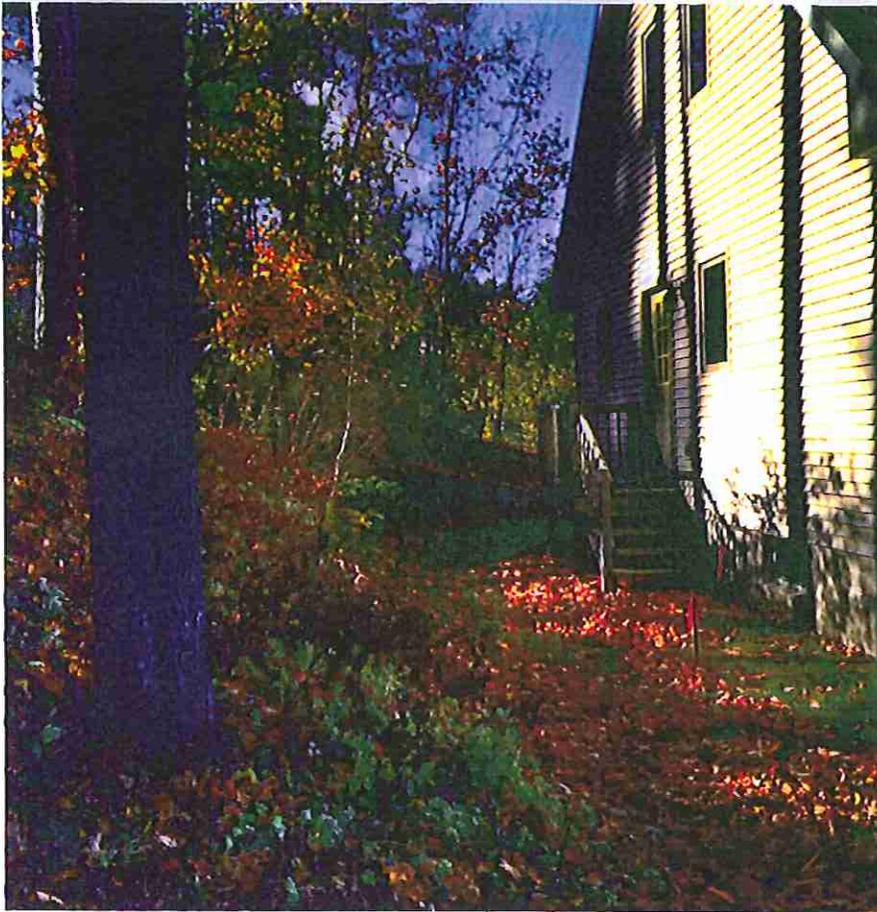
Above: View from Marshall Road/ front yard looking to the south. 1113 Marshall Road is on the right; proposed driveway would be between the two houses.



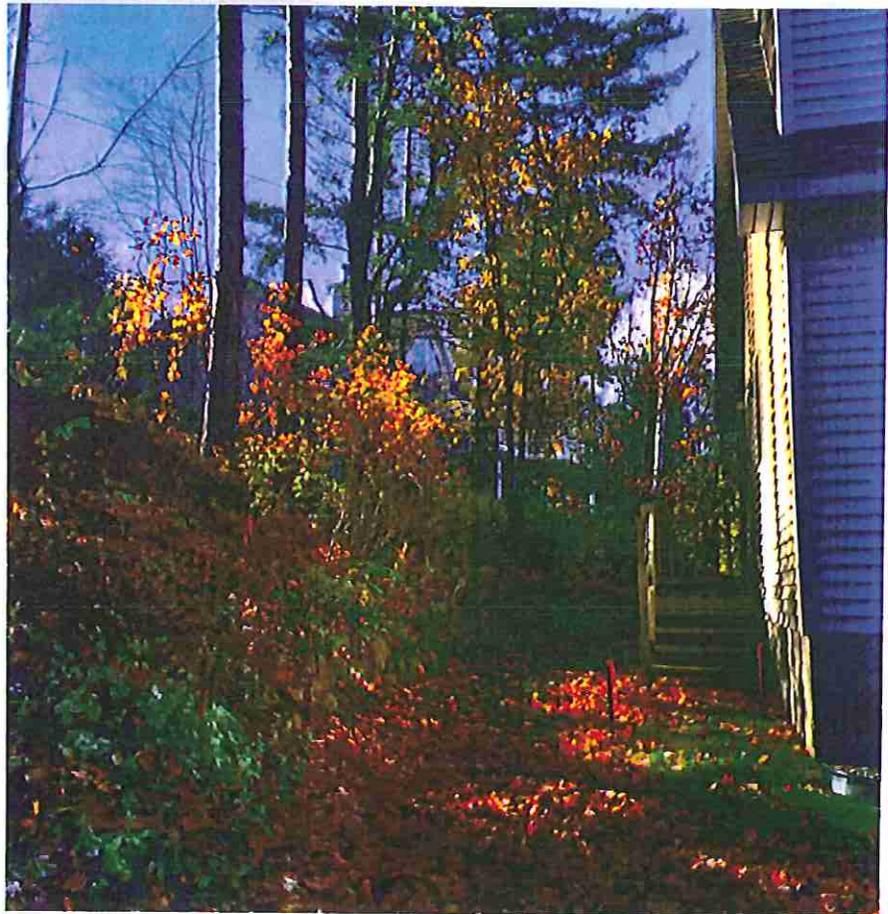
Above: View from southeast corner looking to the North. Location of proposed driveway.



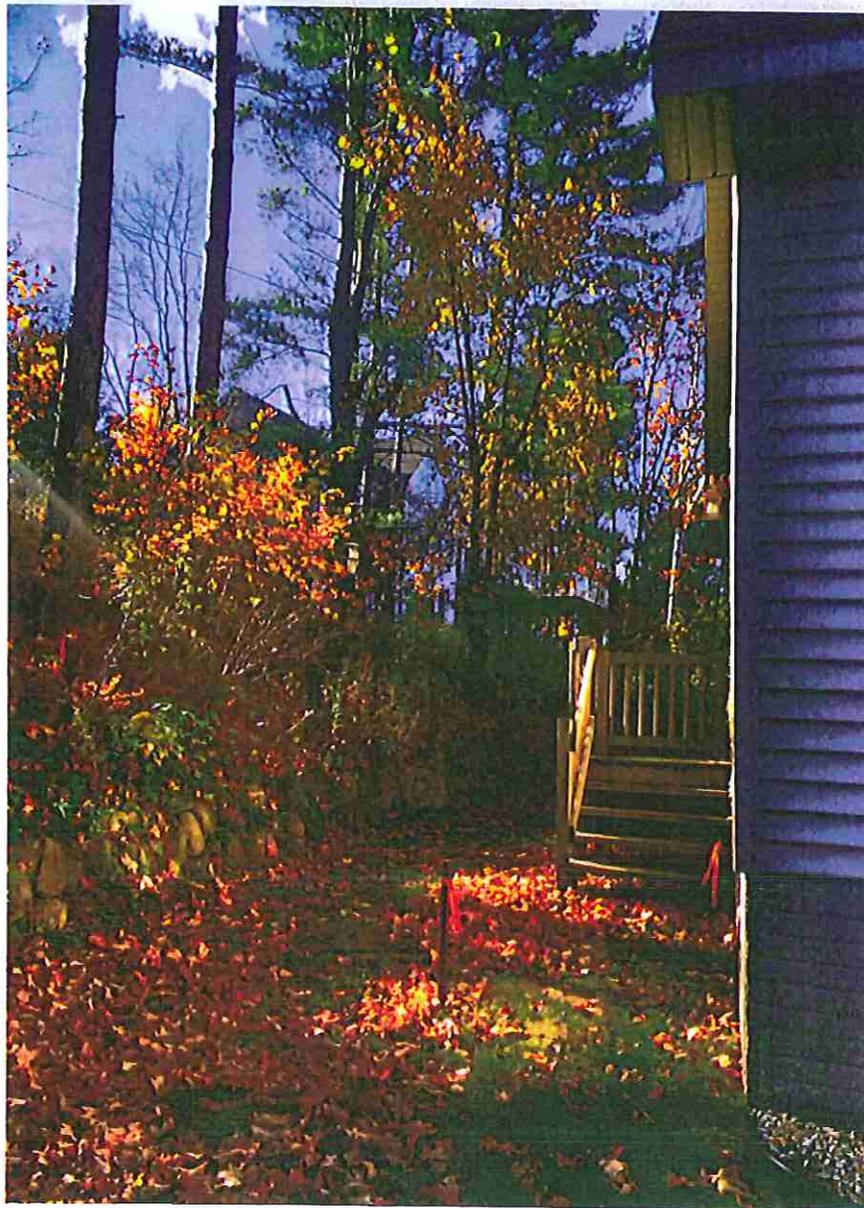
Above: View from east side looking to the South. Location of proposed driveway.



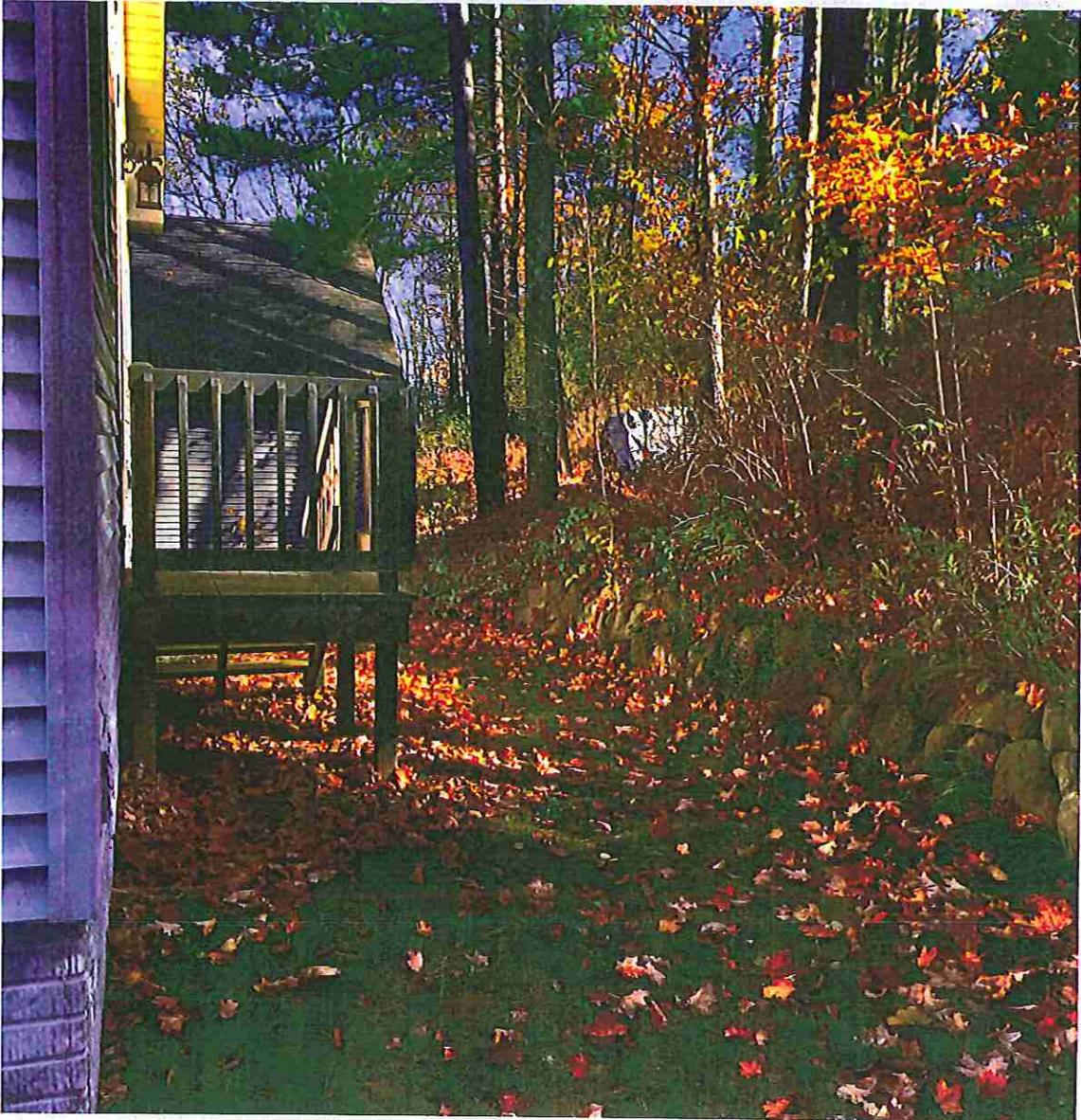
Left: View from southeast corner of lot to the west. Orange flags stake site of the proposed garage. (The flags are easier to see in person.)



Right: View from southeast looking to the west. Orange flags stake site of the proposed garage.



Above: View from the south east looking to the west. Location of proposed attached garage development.



Above: View from the south west of the property looking to the east. Location of proposed attached garage development.

Other Factors to Consider

Topography and Lot Size

The property is bordered to the north by a public road (Marshall Road); to the east and south by privately owned lots in the Rural Estate District with single-family dwellings; and to the west by a private road easement (Marshall Field Road) allowing access to another privately owned lot in the Rural Estate District with a single-family dwelling. Across the street, to the north of Marshall Road, are Lake Charlevoix waterfront properties in the Waterfront Residential District with single-family dwellings (See Exhibit C: Aerial Map).

With approximately 15,000 SF, the property's lot size is smaller than the average lot in the Rural Estate District. The lot to the west is approximately 213,000 SF, the lot to the east is approximately 18,000 SF and the lot to the south is approximately 52,000 SF.

The southern portion of the property behind the primary structure has a steep slope, as shown in the contour map below. The proposed development would be constructed into the existing slope.



Reason for Request

Mr. Parrish indicated to staff the reason for the request was to allow him and his wife to age in place by building a garage on the same level as the living quarters and eliminating the need for stairs to access their vehicles. The proposed attached garage is part of a larger renovation that includes an addition for a laundry room and pantry on the west side of the existing primary structure (as shown in Exhibit B).

Public Comment

Staff received a telephone call from Patrick Dunigan, property owner to the south at 1115 Marshall Road, on October 28, 2014. Mr. Dunigan indicated that he had no problem with the proposed development.

Staff received a telephone call from Arch Wright, property owner to the east at 1111 Marshall Road, on October 29, 2014. Mr. Wright indicated that he had no objection to the proposed development.

Staff received an email from Jeff Bradford, property owner to the west at 1010 Marshall Field Road, stating that Mr. Bradford and his wife are in support of the proposed development (see Exhibit D).

Summary

The applicant is requesting a 6 ft 6 in variance from the Boyne City Zoning Ordinance regulation, Section 20.10, requiring a 30 ft rear yard setback. The purpose of this request is to build an 18 ft x 30 ft attached garage on the south/rear side of the property.

Application of Standards

The ZBA should review the enclosed information, visit the property, and apply the standards in Section 27.45. For reference during your visit, the applicant has staked the proposed development with orange flags.

Exhibits

- A. Zoning Board of Appeals Application (October 14, 2014)
- B. Site Plan/Land Survey (submitted with application)
- C. Aerial map
- D. Email from Jeff Bradford of 1010 Marshall Field Road
- E. Template for Findings of Fact



City of Boyne City

319 N. Lake Street

Boyne City, MI 49712-1188

231-582-0343

www.boyne-city.com

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ZONING BOARD OF APPEALS APPLICATION

Owner Name: Darryl & Donna PARISH
 Address: 1113 MARSHALL Rd
BOYNE CITY, MI, 49712
 Phone: 231 497-4410 E-mail: _____

Describe Variance Request: Add an 18x30 garage in rear yard, encroaching 10 1/2 ft into the 30' rear yard setback.

Property Street Address: 1113 Marshall Rd
 Nearest Intersection: Lakeshore Rd
 Property Tax ID #: 051-403-010-45 Zoning District: 401 Residential
 Legal Description of Property (attach separate sheet if necessary): See attached.

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 [Signature] Date 10/12/14

This is to certify the required filing fee was received on 10/14/14 and documented with receipt number 58941. This application is scheduled for public hearing on 11/4/14.

Staff Initials [Signature]

Charlevoix County Services & Information Center

Parcel Number 051-403-010-45



Close This Window | Find Location on Map

Property Address and Owner Information

Property Address: 1113 MARSHALL RD
BOYNE CITY, MI 49712

Owner Information: PARISH DARRYL & DONNA
1113 MARSHALL RD
BOYNE CITY, MI 49712

Taxpayer Information: See Owner Information

Property Information

| | |
|--|--------------------------------------|
| Property Class: 401 - RESIDENTIAL | P.R.E. Percentage: 100% |
| School District: 15020 - BOYNE CITY | P.R.E. Filing Date: 1/18/2011 |
| 2014 Assessment: \$151,100 | 2013 Assessment: \$164,400 |
| 2014 SEV: \$151,100 | 2013 SEV: \$164,400 |
| 2014 Taxable Value: \$151,100 | 2013 Taxable Value: \$164,400 |

Legal Information

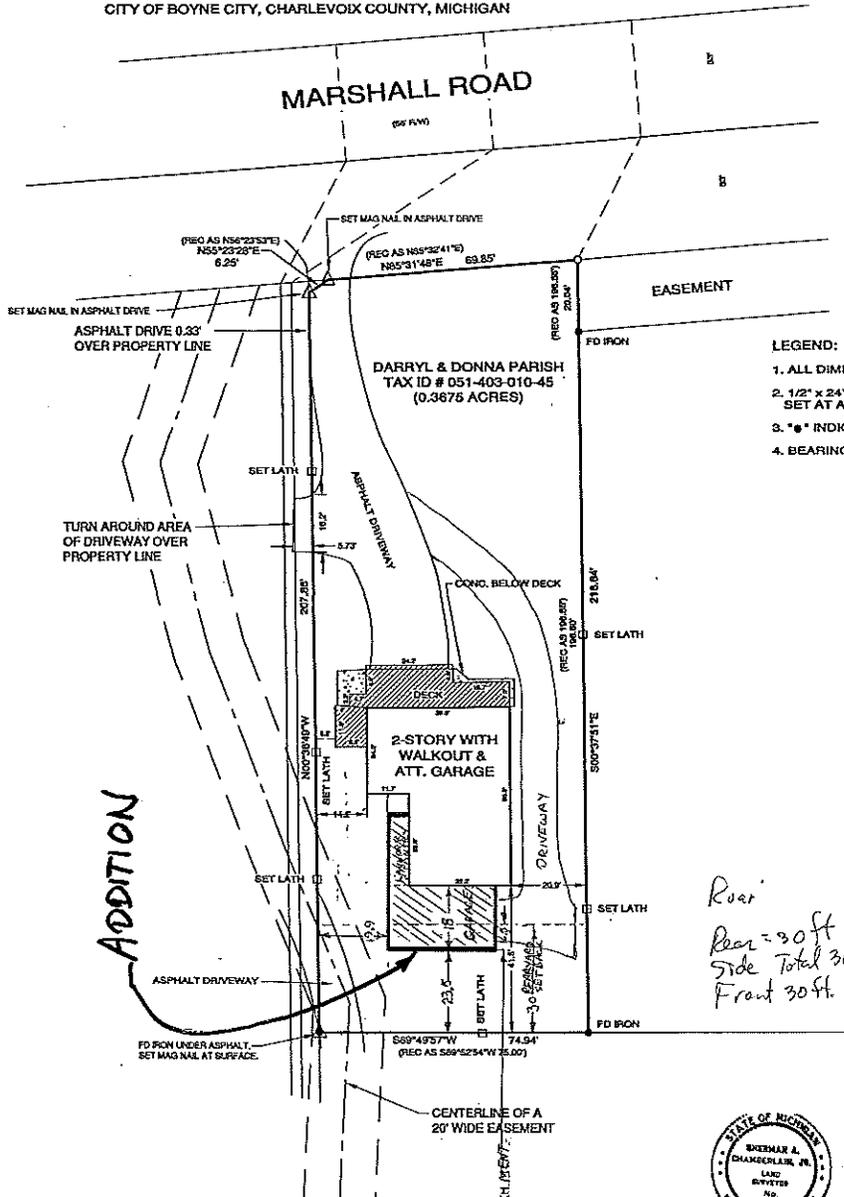
2002SP072001 FROM 403-010-30 COM AT NW COR SEC 3 T32N R6W TH AL LI COMM TO SEC 3 & SEC 34 T33N R6W S89DEG 49'03"E 270.67FT TO SW COR SEC 34 TH AL SD SEC LI N85DEG32'41"E 971.40FT TH S27 DEG07'20"W 38.74FT TO S LI MARSHALL RD FOR POB TH PARA WI W1/8 LI SEC 3 S00DEG 37'51"E 216.59FT TH S89DEG52'54"W 75.0FTTH N00DEG36'49"W 207.86FT TH N56DEG23' 53"E 6.25FT TO S LI SD RD TH AL SD RD LIN85DEG32'41"E 69.85FT TO POB BEING PT OF NW1/4 OF NW1/4 SEC 3 T32N R6W PARCEL B

Powered by Community Center™ software from the [Land Information Access Association](#)

SITE PLAN
OF
EXISTING CONDITIONS
PART OF THE N.W. 1/4 OF THE N.W. 1/4,
SECTION 3, TOWN 32 NORTH, RANGE 6 WEST
CITY OF BOYNE CITY, CHARLEVOIX COUNTY, MICHIGAN



PREPARED FOR:
Darryl Parish
1113 Marshall Rd.
Boyne City, Michigan 49712



ADDITION

*Rear = 30 ft
Side Total 30 ft - min. 10 ft one side
Front 30 ft.*



Sherman A. Chamberlain, Jr.
SHERMAN A. CHAMBERLAIN, JR. P.S. NO. 25634



FERGUSON & CHAMBERLAIN ASSOCIATES, INC.
PROFESSIONAL SURVEYORS
102 W. UPRIGHT STREET
CHARLEVOIX, MICHIGAN 49713
Phone: (517) 542-8888
Email: dparish@fergson.com

| NO. | DATE | REVISION | BY |
|-----|------|----------|----|
| | | | |
| | | | |
| | | | |

Annie Doyle

From: Jeff Bradford [bradford271417@yahoo.com]
Sent: Wednesday, October 29, 2014 10:13 PM
To: Annie Doyle
Subject: Parish property

To whom it may concern.

After reviewing the plans of the Parish property and personally speaking with the property owners my wife and I are in support of their request. Jeff&Julie Bradford.

Sent from my iPad

1010 Marshall Field Drive
(neighbor to the west)

**BOYNE CITY
ZONING BOARD OF APPEALS**

APPLICANT INFORMATION

APPLICANT: Darryl and Donna Parish
1113 Marshall Road
Boyne City, MI 49712

HEARING DATE: November 4, 2014

PROPERTY DESCRIPTION

The property located at 1113 Marshall Road, described as tax identification number 15-051-403-010-45, hereinafter referred to as "the property".

APPLICATION

The applicant is requesting a 6 ft 6 in variance from the Boyne City Zoning Ordinance regulation, Section 20.10, requiring a 30 ft rear yard setback in the Rural Estate District. The purpose of this request is to build an 18 ft x 30 ft attached garage on the south/rear side of the property.

**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 **November 4, 2014** 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 applicants, Darryl and Donna Parish.
2. The property is in the Rural Estate District (RED).
3. The property is currently developed with a single-family dwelling.
4. Access to the property is provided by Marshall Road which is a public road that bounds the north side of the parcel.
5. The east and south sides of the property share a lot line with other privately owned single family dwellings in the Rural Estate District.
6. To the west, the property is abutted by a private road easement known as Marshall Field.
7. The property is not irregularly shaped.
8. There are steep slopes in the rear/south portion of the property behind the primary dwelling.
9. The RED minimum lot area requirement is 5,445 SF.
10. Square footage of the property is approximately 15, 0000 SF.
11. The RED requires a 30 ft rear yard setback.
12. The proposed development would have a 23 ft 6 in rear yard setback.
13. The proposed development is 18 ft x 30 ft, on the south side of the primary structure and will be used as a garage.
14. The proposed development is intended to allow the applicants access to their vehicles on the main floor of their residence and eliminate the need for stairs.
15. The RED requires a 10 ft side yard setback.
16. The proposed development would have a 25.1 ft setback from the eastern side yard.
- 17.
- 18.
- 19.
- 20.
- 21.
- 22.
- 23.

MOTION

Roll Call:

Aye:

Nay:

Abstain:

Absent:

DATE:

Patrick Kubesh, Zoning board of Appeals Chairperson: _____

TIME PERIOD FOR JUDICIAL REVIEW

- MCLA 125.3607 provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Zoning Board of Appeals to the Circuit Court. Pursuant to MCLA 125.3606 any shall be filed within 30 days after the zoning board of appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the zoning board of appeals, if there is no chairperson, or within 21 days after the zoning board of appeals approves the minutes of its decision.

City of Boyne City

To: Members of the Zoning Board of Appeals

From: Annie Doyle, Assistant Planner

Date: November 4, 2014

Subject: Postponed Variance Request for 710 Lake Park Drive



This memo presents the following new information regarding the variance request at 710 Lake Park Drive (PID 15-051-498-013-00) which was postponed in the October 7, 2014 ZBA meeting:

- 1.) A revised Site Plan provided by the applicant, Dino Franchino.
- 2.) A letter of approval for the current Site Plan from the Harborage Park Architectural Review Committee.
- 3.) A memo from Boyne City Planning Director, Scott McPherson, regarding the information he provided Dino Franchino on presentation of the revised Site Plan at the last ZBA meeting.
- 4.) A revised Findings of Facts template.

For further information, please also refer to the October staff report which includes, among other items, the ZBA application, pictures, maps and details regarding this variance request. If needed, please notify staff and another copy of the October report will be provided.

Summary of Relevant New Information**Request Remains the Same**

The applicant is requesting a 2 ft variance from the Boyne City Zoning Ordinance, Section 20.10, and Schedule of Regulations, requiring a 5 ft side setback for the proposed accessory structure. The proposed accessory building would have a 3 ft eastern side-yard setback.

Differences in the Most Recent Site Plan

Despite the variance request remaining the same there are some differences in the most recently submitted site plan. The proposed accessory building is slighter smaller at 12 ft x 22 ft (264 SF) and approximately 3 ½ feet further toward the rear of the property with a 22.93 ft setback from the northern rear yard setback.

Application of Standards

The ZBA should review the enclosed information and the information provided in the October 7, 2014 meeting, visit the property, and apply the standards in Section 27.45.

Exhibits

- A. Site Plan Drawing (provided by applicant week of October 20, 2014)
- B. Letter from Harborage Park Association Architectural Review Committee (provided by Michael Sheean the week of October 20, 2014)
- C. Memo from Boyne City Planning Director, Scott McPherson
- D. Template for Findings of Fact

Harborage Park Association

Boyne City Michigan

Reference: Variance Request for 710 Lake Park Drive

Ms Annie Doyle

Assistant Boyne City Planner

With regards to locating the garage on this lot, the Architectural Review Committee of the Harborage Park Association have approved this proposed location as shown on Mr. Franchino's sketch. (reference 64.5 feet front set back and 4 feet from the side lot line)

Considering the unique format of this community with small lots and considerable common open space as well as the close proximity of the previous garage locations, this proposal seems to fit the local precedent.

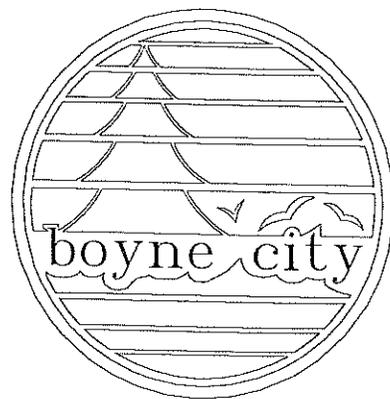
If I could provide any other information, please call:582-4030 or
M_sheean@yahoo.com


Michael Sheean

Board President Harborage Park Association

CITY OF BOYNE CITY

To: Chair Pat Kubesh and fellow ZBA members
From: Scott McPherson, Planning Director
Date: November 4, 2014
Subject: Variance Request at 710 Lake Park Dr.



On the day prior to the October 7, zoning board of meeting Dino Franchino presented to me a revised site plan for consideration of his variance request for his home at 710 Lake Park Drive. The site plan showed a minor alteration of the building but the location of the structure in relation to the side lot line was not changed. Given the fact this the proposed revisions did not materially change the requested relief and given the fact the proposed changes could have been administratively approved after the fact if a variance request was approved, I advised Mr. Franchino that I saw no issue with him providing the updated plan to the Board at their meeting the following day.

**BOYNE CITY
ZONING BOARD OF APPEALS**

APPLICANT INFORMATION

APPLICANT: Dino Franchino
 710 Lake Park Drive
 Boyne City, MI 49712

HEARING DATE: November 4, 2014

PROPERTY DESCRIPTION

The property located at 710 Lake Park Drive, described as tax identification number 15-051-498-013-00, hereinafter referred to as "the property".

APPLICATION

The applicant is requesting a 2 ft variance from the Boyne City Zoning Ordinance, Section 20.10, Schedule of Regulations, requiring a 5 ft side setback for the proposed accessory structure. The purpose of this request is to build a 12 ft x 22 ft accessory building on the east side of the property with a 3 ft side setback. The proposed building will be used as a garage. The property is located in the Traditional Residential District (TRD).

**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 **November 4, 2014** 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 applicant, Dino Franchino.
2. The property identification number is 15-051-498-013-00.
3. The property is in the Traditional Residential District (TRD).
4. The property is currently developed with a single family dwelling in the Harborage Park Condominium.
5. Access to the property is provided by Lake Park Drive that bounds the front/south side of the parcel.
6. The property is bounded to the north by Front Street, a public road.
7. The adjacent properties to the west and east are also single family dwellings in the Harborage Park Condominium and in the TRD.
8. The property is not irregularly shaped.
9. There is a steep slope along the rear/northern portion of the property behind the primary structure.
10. The TRD minimum lot area requirement is 5,445 SF.
11. Square footage of the lot is approximately 6,486 SF.
12. The TRD requires that accessory buildings shall have a 5 ft side yard setback if not completely to the rear of the property.
13. The proposed accessory building is not completely to the rear of the property.
14. The proposed accessory building would have a 3 ft east side setback.
15. The proposed attachment to the primary dwelling would be located on the eastern side of the existing primary structure.
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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.
2. The variance granted is the smallest variance necessary to do substantial justice to the owner as well as to other property owners.
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.
4. The need for the variance is 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.

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

Roll Call:

Aye:

Nay:

Abstain:

Absent:

DATE: 11-4-2014

Patrick Kubesh, Zoning Board of Appeals Chairperson

Date

TIME PERIOD FOR JUDICIAL REVIEW

- MCLA 125.3607 provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Zoning Board of Appeals to the Circuit Court. Pursuant to MCLA 125.3606 any shall be filed within 30 days after the zoning board of appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the zoning board of appeals, if there is no chairperson, or within 21 days after the zoning board of appeals approves the minutes of its decision.