

**BOYNE CITY
ZONING BOARD OF APPEALS**

APPLICANT INFORMATION

APPLICANT: **Jeffrey Langhart**
 3748 Glenwood Beach Dr.
 Boyne City, MI 49712

HEARING DATE: **October 6, 2020**

PROPERTY DESCRIPTION

Property Description: 15-051-140-005-20

In the City of Boyne City, Charlevoix County, Michigan, Part of Lots 5 and 6, and vacated alley, Block 20, all part of Hiram B. Chapman and WM. T. Addis Addition to Spring Harbor as recorded in Liber 1 of Plats, Pages 47-48 of Charlevoix County Records more particularly described as follows: Commencing at a ½" iron rod at the Southeast corner of Block 19 of said plat; thence along the North line of Ridge Street North 87°17'47" East (recorded as North 86°08'01" East), 18.86 feet to a ½" iron rod; thence continuing along said North line North 87°41'28" East, 14.11 feet (recorded as North 86°06'11" East, 14.14 feet) to a ½" iron rod at the centerline of vacated Escape Street as recorded in Liber 217, Pages 258-259; thence continuing along said North line North 87°41'28" East, 121.75 feet to a ½" iron rod being the POINT OF BEGINNING; thence North 3°21'26" West, 133.86 feet to a ½" iron rod on the North line of Lot 6; thence along the North line of Lot 6 North 87°15'24" East, 71.75 feet to the Northeast corner of Lot 6; thence continuing on the extension of the North line of Lot 6 North 87°15'24" East, 8.25 feet to a ½" iron rod at the centerline of the vacated alley as recorded in Liber 217, Pages 258-259; thence along said centerline South 3°21'26" East, 134.01 feet to a ½" iron rod on the North line of Ridge Street; thence along said North line South 87°22'01" West, 8.25 feet to the Southeast corner of Lot 5; thence continuing along said North line South 87°22'01" West, 71.76 feet to the Point of Beginning, being a part of Lots 5 and 6, and vacated alley, Block 20, Hiram B. Chapman and Wm. T. Addis Addition to Spring Harbor and containing 10715 square feet (0.246 acres). Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road, or highway purposes.

The subject parcel is located at 234 Ridge St. Boyne City, MI 49712. The property is owned by Jeffrey Langhart and located in the Traditional Residential District.

APPLICATION

Describe Variance Requests: The applicant is requesting a variance to construct a 34'x40' addition to an existing nonconforming accessory building.

BOYNE CITY
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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 **October 6, 2020** 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 Jeffrey Langhart
2. The property identification number is 15-051-140-005-20.
3. The property is in the Traditional Residential District (TRD).
4. Access to the property is provided by Ridge St. which is a public road that bounds the south side of the parcel.
5. The adjacent properties to the north, south, and east are zoned TRD.
6. The adjacent property to the west is zoned Community Service District (CSD).
7. The property is not irregularly shaped.
8. The topography of the property is generally flat sloping slightly with a gradual rise from north to south.
9. The property is approximately 17,970 sq. ft. in size.
10. The minimum lot area in the TRD is 5,445 sq. ft.
11. The TRD requires a minimum five foot (5') setback from the side lot line.
12. The TRD requires a minimum fifteen foot (15') *setback* from the rear lot line.
13. *West and North setbacks have an encroachment with the existing non-conforming structure*

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 – Regulations don't make it 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 – the neighborhood is underdeveloped and the proposed addition is not large in scope.*
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 – the addition is not impacting the public safety or welfare as it currently stands in the neighborhood.*
4. The need for the variance is not self-created. *Affirmative – at the earlier parcel split, was when the non-conformity of the stand-alone building was created; the applicant did not create it.*
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 – When the property was purchased it was a pre-existing non-conforming structure*

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 by Carlile, seconded by Reynolds to approve the variance request as presented, to construct a 34' x 40' addition to the southeast side of the existing non-conforming accessory building, based on the findings of fact. In addition, a berm must be built and landscaping must be planted to screen and obstruct the view from Ridge St.

Roll Call:

Aye: Carlile, Kubesh and Reynolds

Nay: None

Abstain: None

Absent: McClorey

Vacancy: One

Motion Carries

Date: 10-06-2020

Chairperson signature on the original handwritten copy
Zoning Board of Appeals

October 6, 2020
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.