

**Meeting of
July 18, 2016**

Record of the proceedings of the Boyne City Planning Commission regular meeting held at Boyne City Hall, 364 North Lake Street, on Monday, July 18, 2016 at 5:00 pm.

Call to Order

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

Roll Call

Present: Ken Allen, Jason Biskner, Chris Frasz, Jim Kozlowski, Jane MacKenzie, Tom Neidhamer and Aaron Place
Absent: George Ellwanger and Joe St. Dennis (Arrived at 5:04 pm)

Excused Absence(s)

****MOTION**

2016-07-18-02

Neidhamer moved, Kozlowski seconded, PASSED UNANIMOUSLY, a motion to excuse the absence(s) of George Ellwanger

Meeting Attendance

City Officials/Staff: Planning and Zoning Administrator Scott McPherson and Recording Secretary Pat Haver
Public Present: Eight

Consent Agenda

****MOTION**

2016-07-18-03

Neidhamer moved, Allen seconded, PASSED UNANIMOUSLY, a motion to approve the consent agenda; approval of the Planning Commission minutes from May 16, 2016 as presented.

**Citizen comments on
Non-Agenda Items
Reports of Officers, Boards
and Standing Committees**

None

None

Unfinished Business

Planning Director McPherson reviewed the staff report that was included in the agenda packet. The applicant is requesting conditional use approval for a detached accessory dwelling at 117 W. Cedar St. The property has an existing home that is occupied by the property owners and an existing detached garage. The proposal is to convert the existing garage structure into a one bedroom apartment. All of the improvements of the structure will be on the interior with some minor improvements/repairs to the exterior. In the TRD (Traditional Residential District) a detached accessory dwelling is a Conditional Use and must meet criteria Section 4.30 A which is as follows: *Attached or detached accessory apartments, provided the site contains an owner occupied single family dwelling, limited to one (1) accessory apartment per site. Accessory apartments can be attached to either a single family dwelling or a detached garage. Detached accessory apartments shall have a minimum side yard and rear yard setback of ten (10) feet. Off-street parking shall be in accordance with D.1.a of this subsection.* This would be 2 parking spots per dwelling unit, for a total of 4 spots, and it appears as if there is plenty of room for those. In addition, criteria for the Development Site Plan Standards and Conditional Use Findings must be reviewed by this board. Staff has received several responses in opposition to the request which have been made available to the board.

New Business

**Public Hearing –
Conditional Use approval
request from Katherine
Heiny for a detached
accessory apartment at
117 W. Cedar St.**

Ian McCredie: applicant – We intend to convert the garage into a 4th bedroom for our family and guests, private use not for rental. The main house is occupied by us during the summer when we are here. We don't use the garage for anything at this time, so would like to convert. The main house is not used for a summer rental

now. In the past the house was a rental, we rented it prior to purchasing it. The garage space is approximately 22' x 34', we don't intend to change the outside dimensions.

McPherson – For clarification, the use of the garage to convert for guests can be done without this approval. What this approval would do is allow the ability to rent out as a separate dwelling unit. What makes it a dwelling unit is the bedroom, bathroom and kitchen.

Frasz – Does the combination of the bedroom, bath, and kitchen make it an independent dwelling unit?

McPherson – Combination of the three, the applicant specifically is asking for an accessory apartment, owner must occupy one.

Place – Eventually down the road, can this independent unit be separated from the original house?

McPherson – No, it is approved as an accessory unit, accessory to the primary dwelling and the garage does not meet the required standards. Minimum building requirements must be adhered to.

Public Hearing Opened at 5:14 pm

Sid Decou: 424 S. Lake St. – We are opposed to rentals in the area, it was previously rented, so will that continue?

Jerry Swift: 508 S. Lake St. - If the Conditional Use approval is granted, what happens to it when/if the house is sold? **McPherson** – It is attached to the property. **Swift** – So they could rent one or both properties, even with the owner occupied requirement. Who would keep an eye on the tenants if the owner were not there? In the past, due to fireworks being set off, I have had to stay home, to protect my house. The owner is there only 6 weeks out of the year. The Conditional Use has a minimum requirement of 10 feet for setbacks, and it appears to be 8 foot or less. What about the setbacks?

Sue Rainey: 201 W. Cedar St. - We are very concerned about the owners not being in the residence if it were to be rented out, we have had horrible experiences in the past with no one being around to handle issues, and we are very concerned.

Dick Szabo: 207 W. Cedar St. – I have no problem with an extra bedroom and bath, is there any way to do this without the kitchen? I also agree with Jerry Swift that the setbacks are not sufficient. What could be a good compromise?

McCredie – We understand all of the concerns. It is not our intention to convert this into a rental unit; we only want a 4th bedroom for family and guests. We don't rent our place when we are not here; we want it available for our use, when we want to come up. The setback questions are very hard to measure; the distance with Spruce Street being undeveloped is hard to determine.

Sheryl Decou: 424 S. Lake St. – We have noticed trucks driving up to the garage when you are not there, they take things in and out of the garage. We've been under the impression that it must be rented.

Katherine Heiny: owner – Two years ago we had rented out the garage, but no longer do that, it was being used for storage then, there is nothing in it now so no trucks should be showing up.

With no further comments, public hearing closed at 5:26 pm

Board discussion

Kozlowski – If he just uses as overflow with the house, he doesn't need to come and get our approval, only if he wants to convert for rental. **McPherson** – that's correct.

MacKenzie – If there is a question about setbacks? We can't waive them?

McPherson – It is something that has to be met, it is prudent to have a survey done, and you can make that a requirement of approval.

MacKenzie – Even if it doesn't meet the setbacks, he can still make it a bedroom?

McPherson – Yes,

Neidhamer – Even if it is a pre-existing building? **McPherson** – even if it is a pre-existing building.

St. Dennis – Would the setback go to the corner of the building or at the drip edge?

McPherson – Closest point to the structure

Neidhamer – To give a bit of history, I remember when we developed the owner occupied rule it gave the homeowners the ability to take care of family on their own property or create a rental unit on their own property; key was that the homeowner needs to live on the property. It is a good rule, does it meet the spirit of the ordinance, yes when the homeowner will lives there. What determines time frame of owner occupied.

McPherson – Owner occupied could be better defined, the Planning Commission may want to look at that as a future point of discussion.

MacKenzie – I think the owner needs to get a survey before we proceed any further into deliberation.

Neidhamer – If they just want to create a 4th bedroom, they don't need to come back before us right? **McPherson** - right.

****MOTION**

With no further board discussion, **motion by Kozlowski, seconded by Place, PASSED UNANIMOUSLY**, to table for further clarification of the boundary lines with the owner getting a survey.

Staff Report

- Mac McClelland has the survey results on the goal setting session. Results will go to the City commission for their review and then probably to the Planning Commission for review.
- The sidewalk work has begun for Safe Routes to Schools, and it is anticipated that they will be completed prior to school opening this fall.
- Staff was commended by the board for the hard work that has been done on this project that began in 2012.

Good of the Order

- The Catt Development cottage project is moving right along. They are looking at the fishing pier and possible grant opportunities to help defray the costs.
- Window Signage – what is the status of that? Patrick was going to take pictures of the windows in the downtown and we were going to look at them for ordinance criteria, staff had completed the pictures and it will be a future agenda item
- The summer season seems to bring out fireworks at all times; and not just for the stated time frame with larger and larger ordinances being set off; is there anything that can be done?

Adjournment

The next regular meeting of the Boyne City Planning Commission is scheduled for Monday, August 15, 2016 at 5:00 pm in the Honeywell Meeting Room.

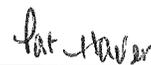
****MOTION**

2016-07-18-10

St. Dennis moved, Biskner seconded, PASSED UNANIMOUSLY a motion to adjourn the July 18, 2016 meeting at 5:50 p.m.



Chair Jane MacKenzie



Pat Haver, Recording Secretary