



# City of Boyne City

Founded 1856

319 N. Lake Street

Boyne City, Michigan 49712  
[www.cityofboynecity.com](http://www.cityofboynecity.com)

Phone 231-582-6597  
Fax 231-582-6506

BOYNE CITY  
ZONING BOARD OF APPEALS MEETING  
Tuesday, November 7, 2017  
5:00 P.M.  
Boyne City Commission Chambers, City Hall

1. CALL TO ORDER AND ROLL CALL  
Excuse Absences
2. APPROVAL OF MINUTES – October 12, 2017 Special Meeting
3. HEARING CITIZENS PRESENT (on non-agenda items)
4. CORRESPONDENCE
5. NEW BUSINESS
  - A. Variance Request – 854 Front St.
6. OLD BUSINESS
  - A. None
7. REPORTS OF OFFICERS, BOARDS, AND STANDING COMMITTEES
8. GOOD OF THE ORDER
9. ANNOUNCEMENTS
  - A. Next scheduled meeting: December 5, 2017
10. ADJOURNMENT



Scan QR code or go to  
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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*

Approved: \_\_\_\_\_

**Meeting Of  
October 12, 2017**

Record of the proceedings of the special Boyne City Zoning Board of Appeals meeting held at Boyne City Hall, 319 N. Lake Street, on Thursday, October 12, 2017 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

**Excuse Absence  
MOTION**

**ZBA 2017-10-12-1**  
**Murray moved, Carlile seconded, PASSED UNANIMOUSLY**, a motion to excuse the absence of Pat Kubesh.

**Meeting Attendance**

City Officials/Staff: Assistant Planning and Zoning Administrator Patrick Kilkenny and Recording Secretary Pat Haver  
Public Present: Three

**Hearing Citizens Present**

None

**Correspondence(s)**

None

**New Business**

**Variance Request  
541 Bay St  
William C. Gleich**

Assist Zoning Administrator Patrick Kilkenny reviewed his staff report that was included in the agenda packet. The applicant is requesting a 13 foot variance from the Boyne City Zoning Ordinance, Section 20.10, requirement of a minimum 15 foot rear yard setback. The topography is steep on the northern half of the property sloping from north to south, and gradually sloping on the southern half. Review of records found two previous cases on Bay Street with similar requests of the rear yard setback in the immediate vicinity of the subject property due to the steepness of the topography.

**Carlile** – Is there anything materially different from other properties in the area that have been previously approved?

**Kilkenny** – There are similarities due to the steep topography, however each parcel is based on its own merits.

**Carlile** – Why did you not come before the board in September?

**Gleich** – Quite frankly, we did not know that a variance did not exist on this property until we spoke with Scott. The surrounding parcels had them, however, this house was built prior to zoning and a variance was not needed nor ever sought.

Public hearing opened at 5:05 pm

**Carlile** – The road level the new construction will be on; I walked on the driveway down to fresh gravel, is this the site for the new construction and garage? Did you lessen the distance to drive down in the winter?

**Gleich** – We are hoping there won't be any, as the garage is at street level, on the same spot as the previous house and the same level as the other homes and garages on the street.

**Carlile** – Two pieces of correspondences came in for support of the variance, one a letter from Haggard Plumbing and Heating, and the other a phone call from the neighboring property, Jennifer Tysse?

**Kilkenny** – That is correct

With no further questions, the public hearing was closed at 5:09 pm

Board Discussion

**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 due to the required 35 ft. setback to the waterfront, and the steep topography of the parcel*
2. The variance granted is the smallest variance necessary to do substantial justice to the owner as well as to other property owners. *Affirmative this is the smallest variance and not invasive into the lake*
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; obvious due to the topography*
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; due to the steep topography*

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**

**Motion by Reynolds, seconded by Murray**, to approve the variance request as presented on drawings dated May 4, 2017

2017-10-12-5A.

Roll Call

Ayes: Carlile, McClorey, Murray and Reynolds

Nays: None

Abstain: None

Absent: Kubesh

*Motion Carries*

**Approval of the Minutes  
MOTION**

**ZBA 2017-10-12-2**

**Murray moved, Reynolds seconded, PASSED UNANIMOUSLY**, a motion to approve the September 5, 2017 minutes as presented.

**Old Business and Reports of Officers, Boards and Standing Committees**

\_\_\_\_\_  
None  
\_\_\_\_\_

**Good of the Order**

\_\_\_\_\_  
None  
\_\_\_\_\_

**Announcements**

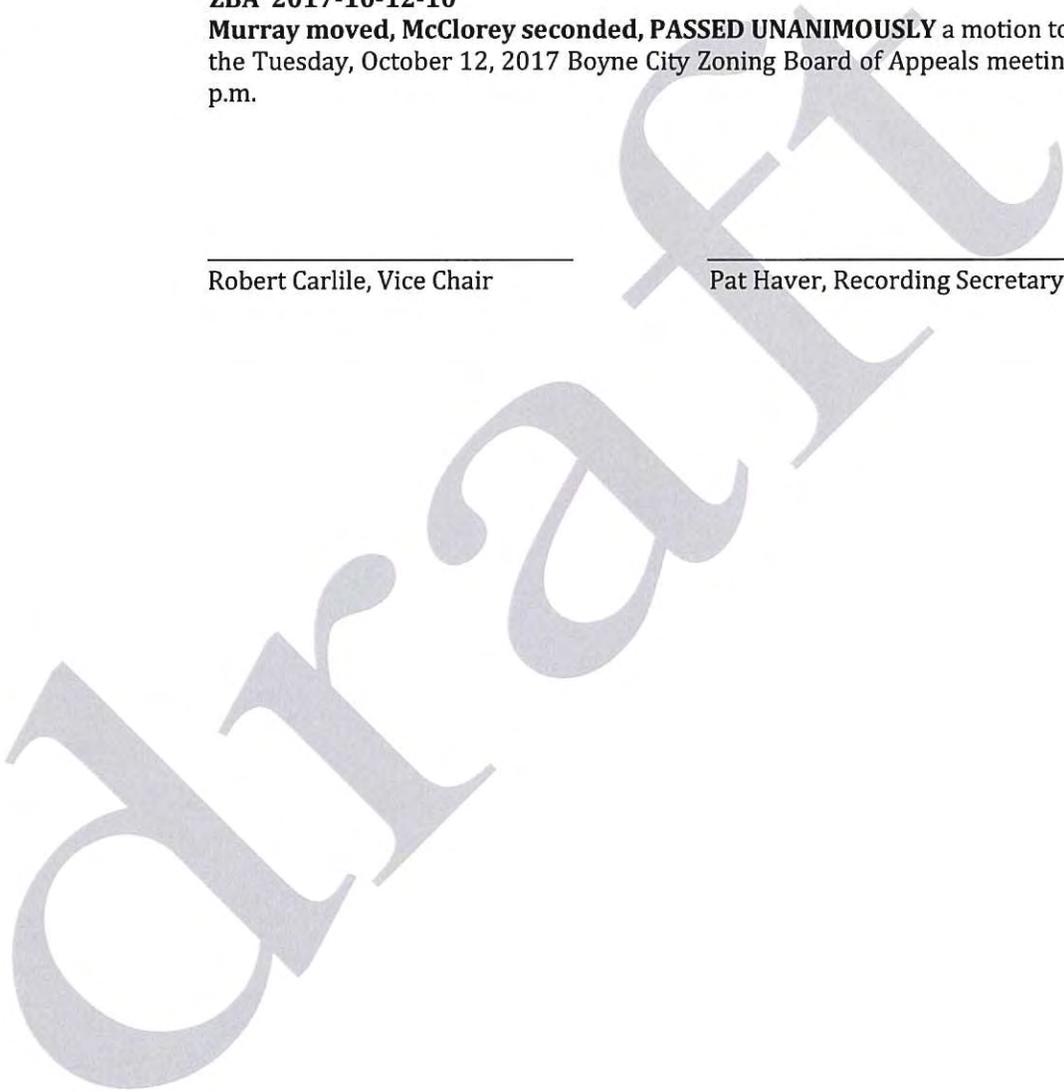
\_\_\_\_\_  
The next meeting of the Boyne City Zoning Board of Appeals is scheduled for November 7, 2017 at 5:00 p.m.  
\_\_\_\_\_

**Adjournment MOTION**

\_\_\_\_\_  
**ZBA 2017-10-12-10**  
**Murray moved, McClorey seconded, PASSED UNANIMOUSLY** a motion to adjourn the Tuesday, October 12, 2017 Boyne City Zoning Board of Appeals meeting at 5:20 p.m.  
\_\_\_\_\_

\_\_\_\_\_  
Robert Carlile, Vice Chair

\_\_\_\_\_  
Pat Haver, Recording Secretary



## CITY OF BOYNE CITY

**To:** Chair Pat Kubesh and fellow ZBA members  
**From:** Patrick Kilkenny, Assistant Planning Director  
**Date:** November 7, 2017  
**Subject:** Variance Request at 854 Front St.



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### Background

The subject parcel is located at 854 Front St. Boyne City, MI 49712. The property is owned by Goran M & Mandy S Jurkovic and located in the Waterfront Residential District (WRD).

Property Description: 15-051-459-002-00  
UNIT 2 HARBORAGE SHORES AS RECD L363P136 THRU P190 CX CO R/D

The parcel contains a nonconforming single family residence, is approximately 10,500 SQ. FT. in size and bounded by Front Street, a public road, to the south. Adjacent properties to the east and west are zoned WRD and are privately owned and contain single family residences.

### Discussion

The WRD requires a thirty-five foot (35') waterfront setback, upland from the high water elevation as defined: 582.4'. The application and associated information show the existing nonconforming lakefront deck to be twenty-five feet (25') from the high water elevation (ordinary high water mark). The variance request is to extend the deck an additional two feet (2') into the thirty-five foot (35') required setback: a total of twelve feet (12') of relief requested from the required thirty-five foot (35') waterfront setback.

### Other factors

The property owner has also filed a joint permit application with the Michigan Department of Environmental Quality/U.S. Army Corps of Engineers for a permit to install new toe stones and re-work existing riprap (see attached).

### Summary

The applicant is proposing an addition to an existing nonconforming single-family residence on parcel in the Waterfront Residential District, and requesting a twelve-foot (12') variance from the required thirty-five foot (35') waterfront setback.

The ZBA should review the enclosed information, visit the property, and apply the standards in the City of Boyne City Zoning Ordinance.

**Public Comment:**

10/20/17 Letter of support from Haggard's Plumbing and Heating

**Please find enclosed in this packet the following exhibits:**

- A. Zoning Board of Appeals Application
- B. Photos of the Subject Property
- C. Survey of the Subject Property dated May 15, 2002
- D. MDEQ/USACOE Joint Permit Application
- E. Area Map of Subject Property
- F. Findings of Fact



City of Boyne City

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

[www.boyne-city.com](http://www.boyne-city.com)

No Faxed Copies/Originals only

**ZONING BOARD OF APPEALS APPLICATION**

Owner Name: Goran Jurkovic  
Address: 854 front Street Boyne City Mi. 49712  
2210 Cawdor Court, Lansing Mi 48917  
Phone: \_\_\_\_\_ E-mail: jurkogo@mac.com

Describe Variance Request: To add two feet of size toward the lake on the upper deck

Property Street Address: 854 front Street, Boyne City Mi 49712  
Nearest Intersection: Division and front Street  
Property Tax ID #: 0514 94-002-00 Zoning District: \_\_\_\_\_  
Legal Description of Property (attach separate sheet if necessary):  
Unit #2 Harborage Shores as Recd L363P136 Thru P190 CX CO R/D

**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 Tobias G. Drost Date 10/14/17

This is to certify the required filing fee was received on 10/16/17 and documented with receipt number 91989. This application is scheduled for public hearing on 11/7/17.  
Staff Initials PK

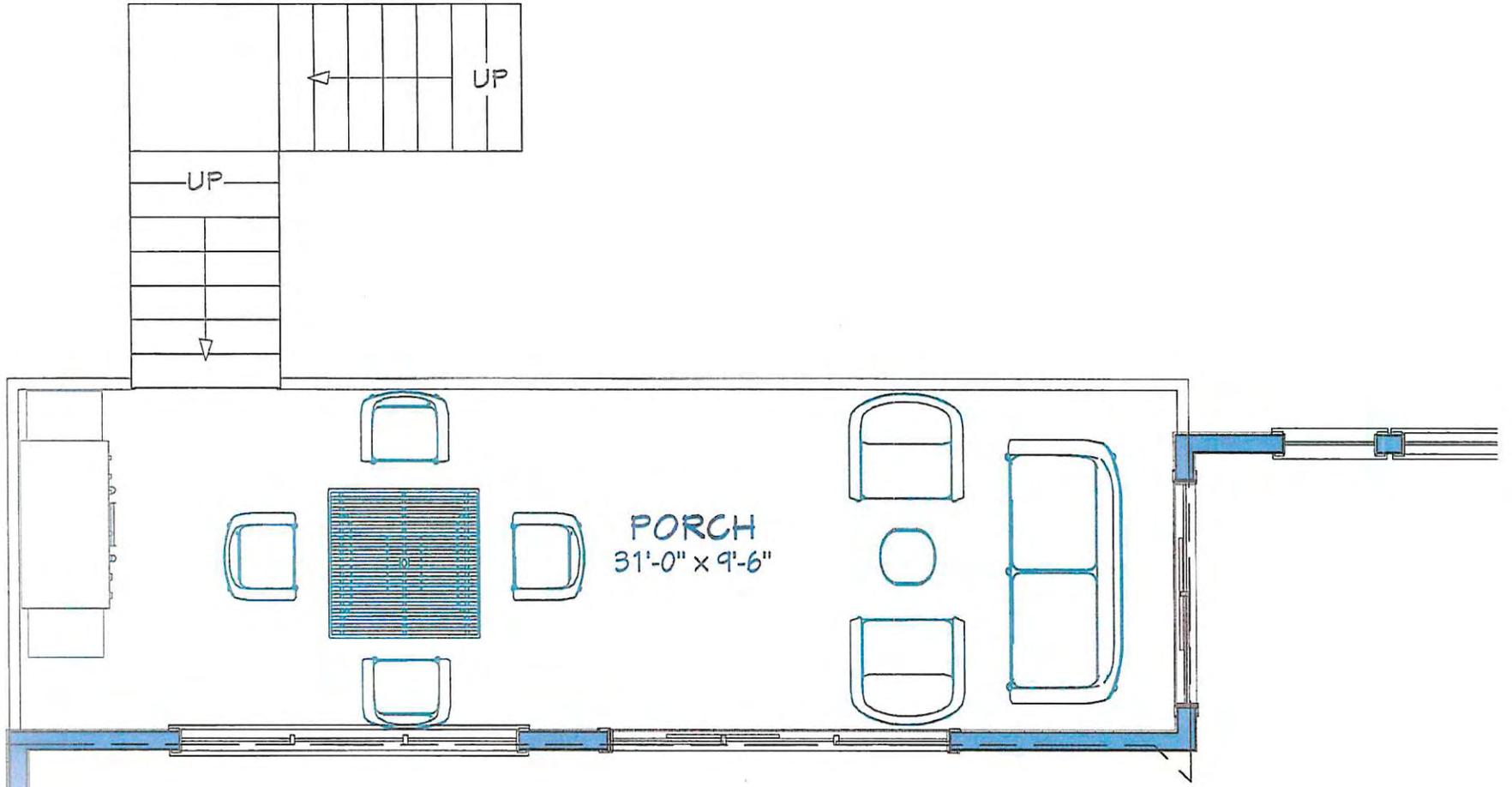
## The following information relates to a request for a 2 foot variance in deck size at the Goran Jurkovic site at 854 Front Street in Boyne City

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1. Currently the deck size that the Jurkovic's are requesting a variance for is 9 feet by 30 feet. Once a table and chairs are set on the deck, it allows for little to no movement around the table when entertaining. A very simple four foot square table with chairs around it would take up a minimum of 7 feet. The request for a 2 foot variance moving the deck lake ward the 2 feet will allow significantly more movement making the deck space much more useable.
2. This 2 foot variance would be a zero to small impact to the zoning. In fact, it's impact on the neighboring properties on each side would never see the impact of allowing the deck to be built out creating a more useable space.
3. The spirit of the ordinance will be observed. We are currently working on a shoreline permit from the DEQ and the Corps of Engineers that will allow me to build out creating a forward movement of the ATHW mark. A copy of this permit application will be in the packet.
4. This site is a complex site. Between the roadside and lakeside setbacks along with the side yard setbacks makes for an unusually tight site. With the forward movement of the upper deck space. It will allow the family adequate useable space with little to no impact to any properties or the environment.
5. This is a unique site. As I stated above it is particularly tight to all the setbacks. The movement forward will make for a much more user friendly site with little to no impact.

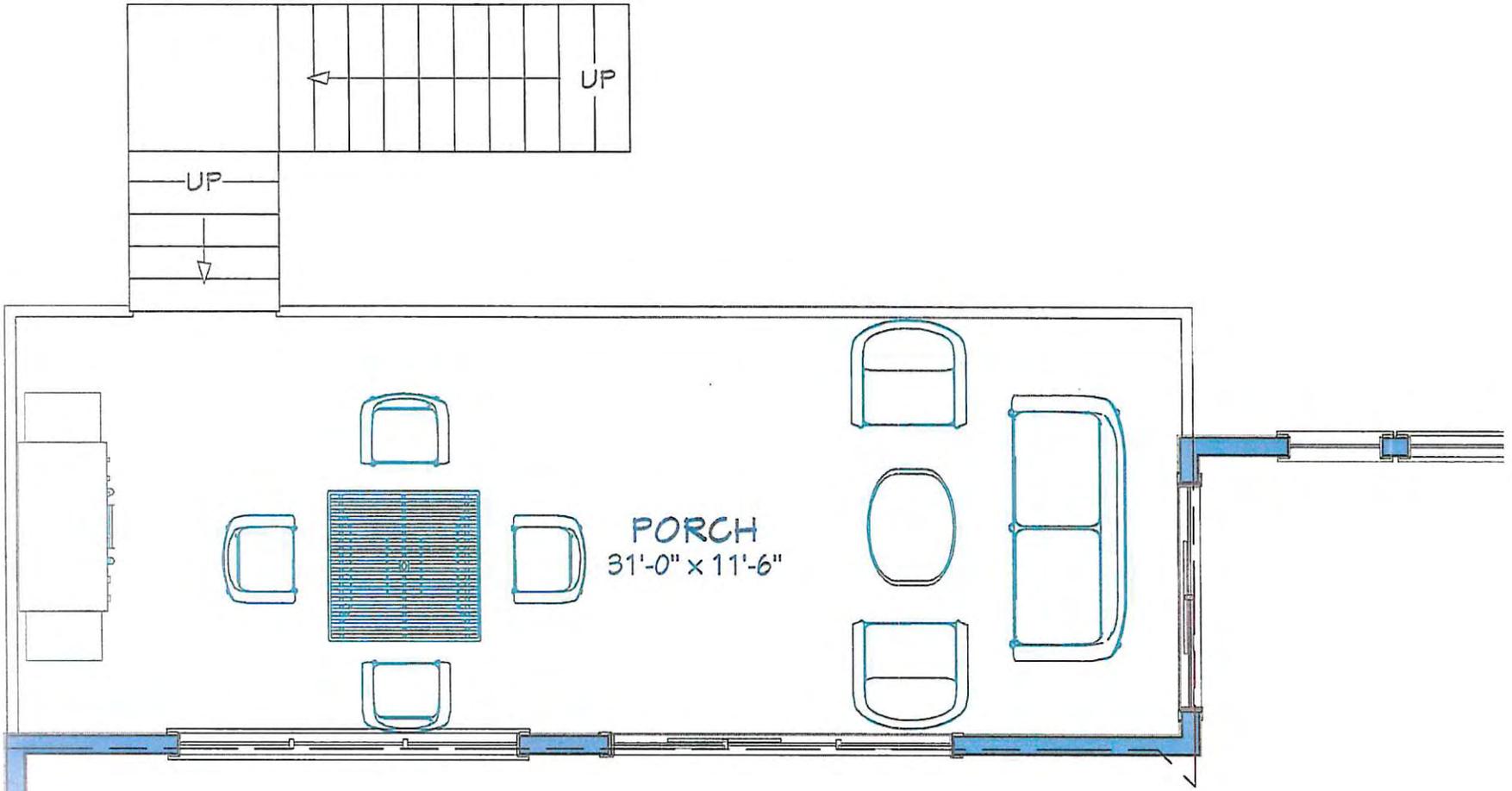
I want to thank the board for their time and consideration in this matter.

Robert A. Drost



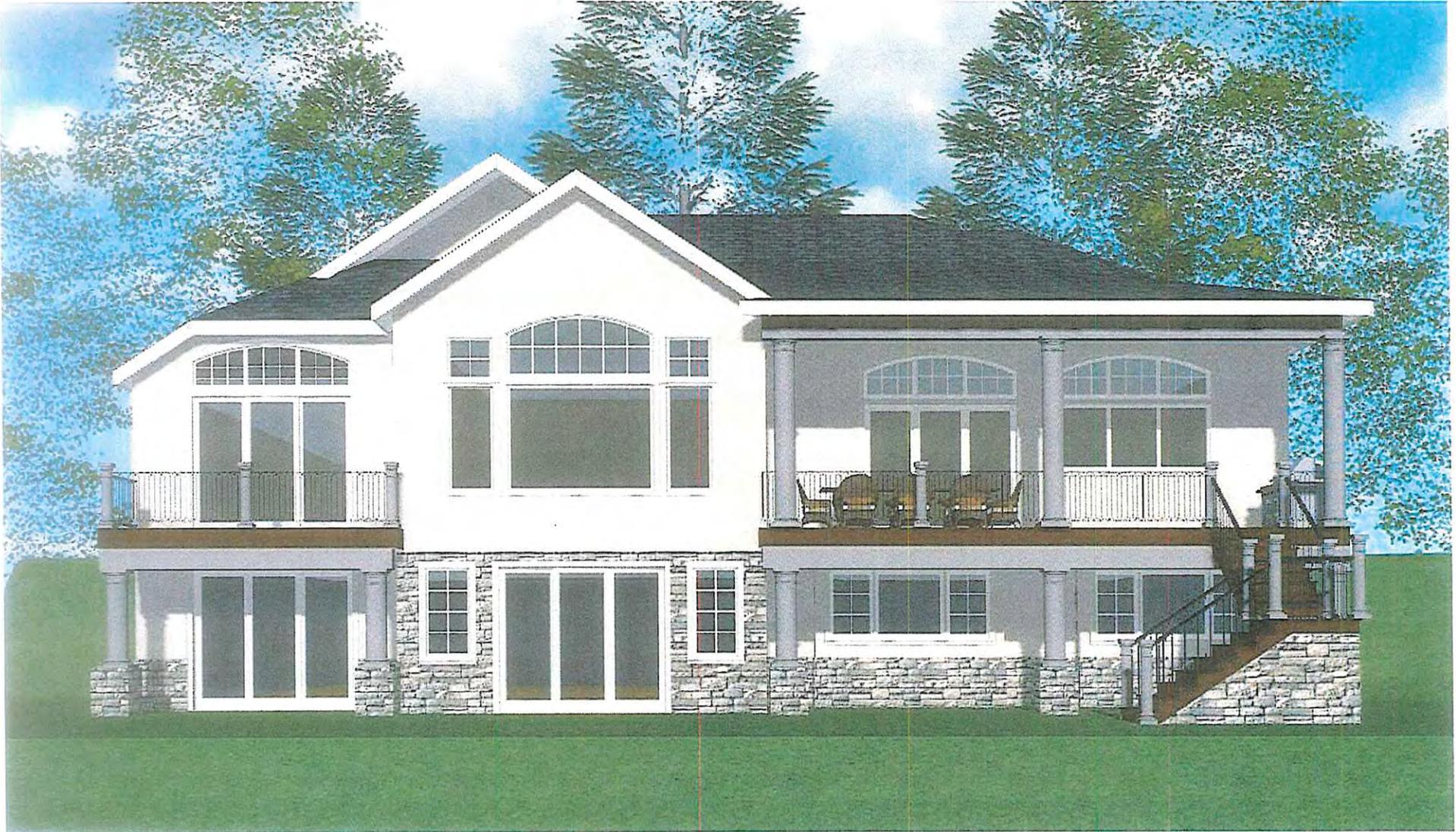
# EXISTING PORCH PLAN

SCALE: 1/4" = 1'-0"

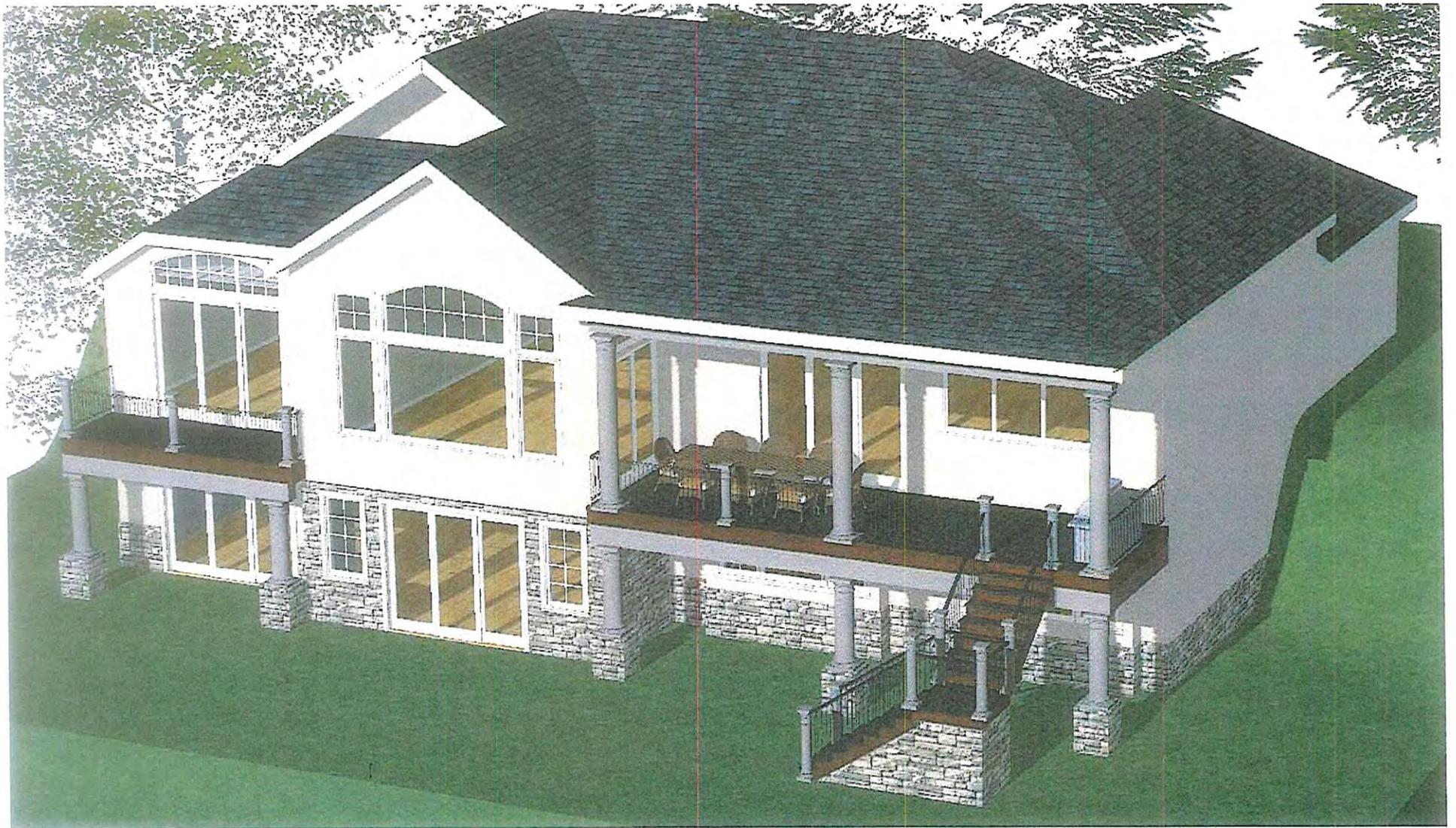


# PROPOSED PORCH PLAN

SCALE: 1/4" = 1'-0"











Viewing Parcel Number: 051-494-002-00

**Parcel Details**

**Property Address:** 854 FRONT ST  
BOYNE CITY, MI 49712

**Owner Information:** JURKOVIC GORAN M & MANDY S &  
2210 CAWDOR ST  
LANSING, MI 48712

**Taxpayer Information:** ,

**Property Class:** 401 - Residential - Improved

**School District:** 15020 - Boyne City

**P.R.E. Percentage:** 0%

**2017 SEV:** \$575,000

**2017 Taxable Value:** \$572,405

**2016 SEV:** \$730,700

**2016 Taxable Value:** \$730,700

**Sales Information**

<b>Date</b>	<b>Document Type</b>	<b>Liber/Page</b>	<b>Sales Price</b>
09/14/2015	WDT	1105/675	Confidential
09/19/1998	WD	389:341	\$229,000
07/23/1998	WD	387:791	\$180,000

**Legal Description**

UNIT 2 HARBORAGE SHORES AS RECD L363P136 THRU P190 CX CO R/D



3: Applicant's waterfront, viewed from West property line looking Eastward. New toestones will be installed to support this

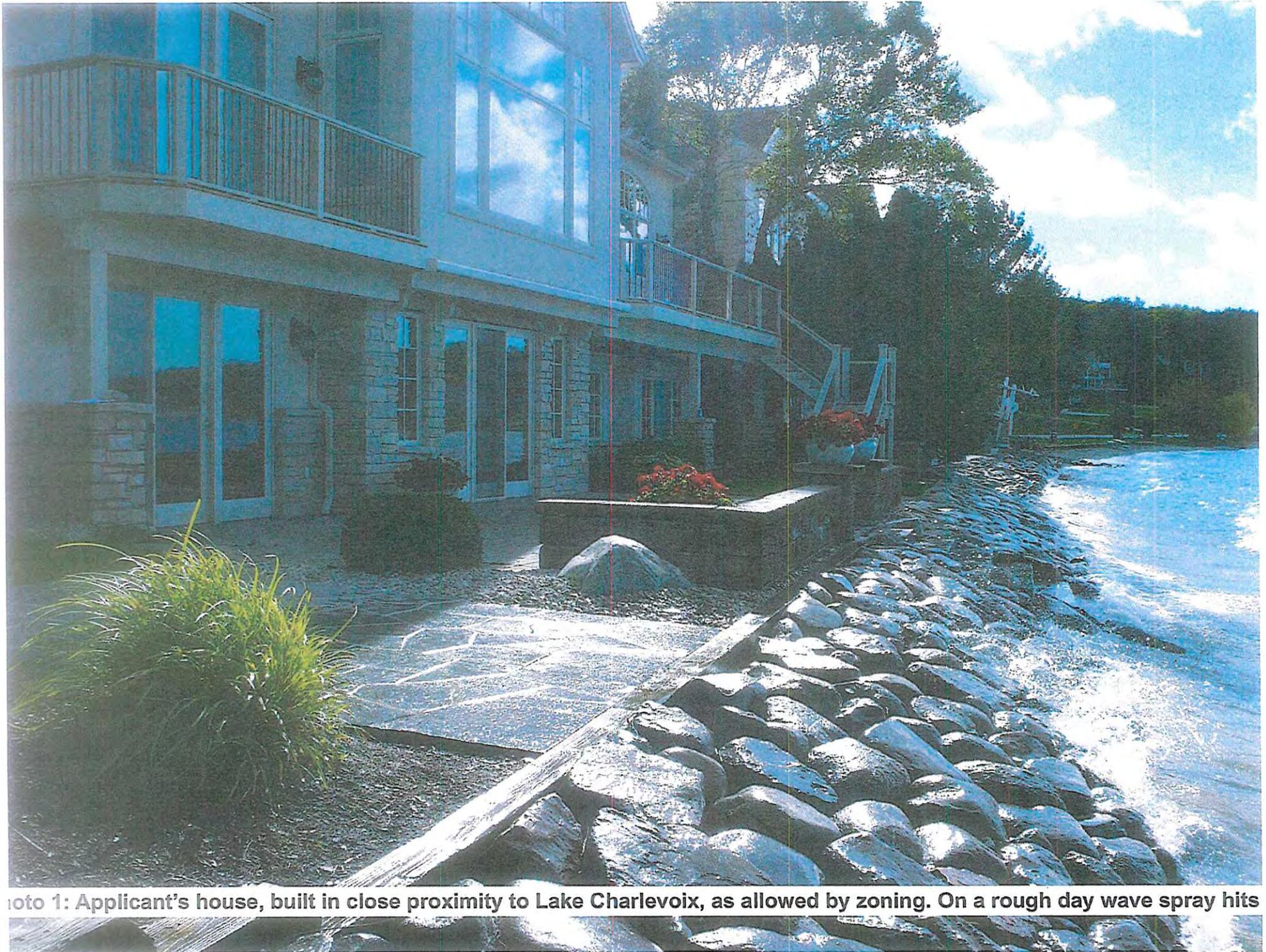
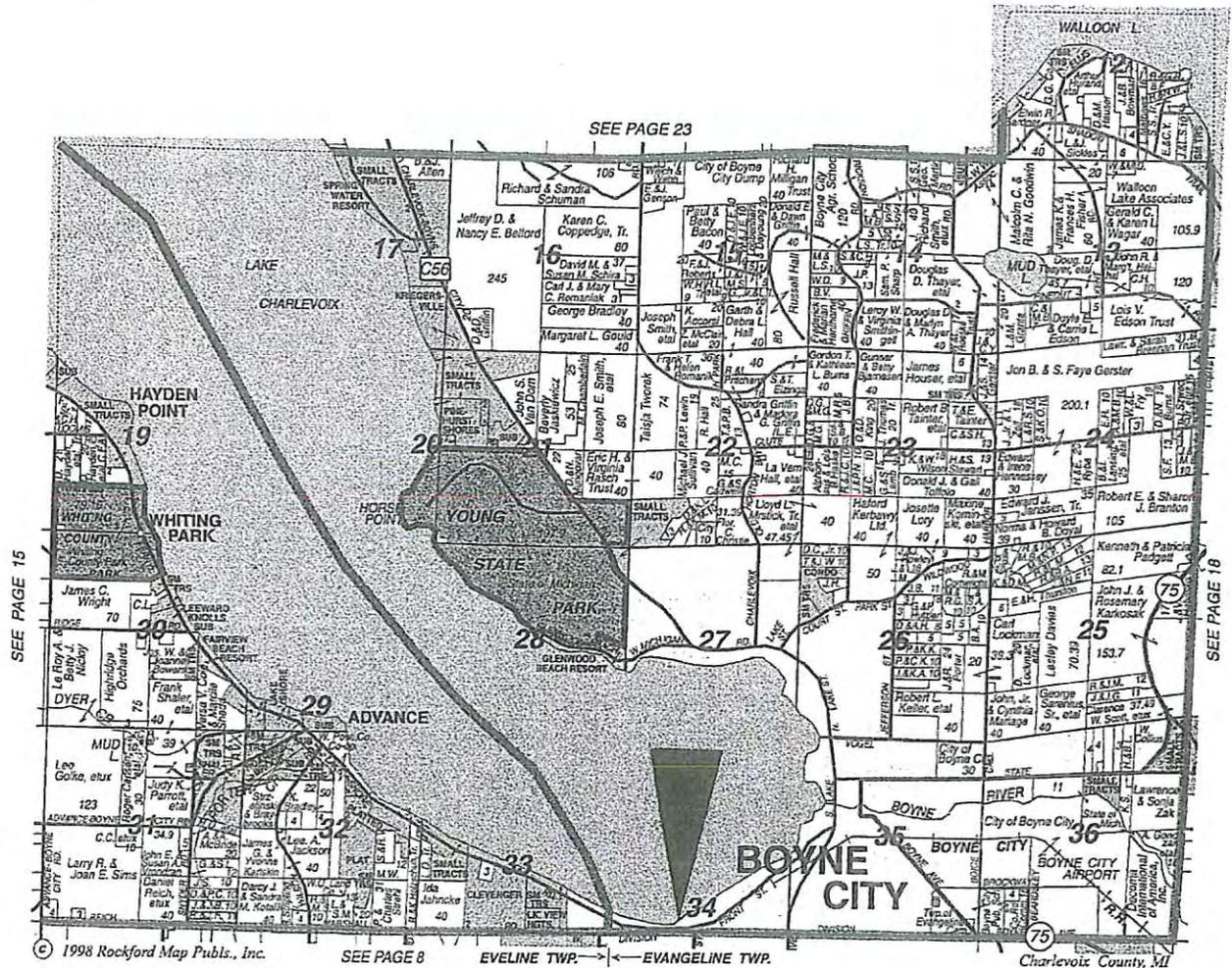


Photo 1: Applicant's house, built in close proximity to Lake Charlevoix, as allowed by zoning. On a rough day wave spray hits



SEE PAGE 15

SEE PAGE 23

SEE PAGE 18

© 1998 Rockford Map Publs., Inc.

SEE PAGE 8

EVELINE TWP. ← EVANGELINE TWP.

Charlevoix County, MI

**PROPOSED SHORELINE REPAIR**

State/ Michigan County/ Charlevoix  
In/ City of Boyne City (T33N, R6W)  
Section/ 34 (854 Front Street)

Body of water/ Lake Charlevoix  
Applicant/ Goran & Mandy Jurkovic  
via Drost Landscape Co.

Date/ 10-06-2017

Prepared by/ Great Lakes Ecosystems,  
Box 156, Indian River, MI 49749  
(c/o Bert C. Ebberts, 231-238-7615)



U.S. Army Corps of Engineers  
 Detroit District Office  
 Phone: 313-226-2218, Fax: 313-226-6763  
 Website: [www.lre.usace.army.mil](http://www.lre.usace.army.mil)

Michigan Department of Environmental Quality  
 Water Resources Division  
 See staff map on page iii for contact information  
 Website: [www.mi.gov/join/permit](http://www.mi.gov/join/permit)

AG ENC Y USE	Previous USACE File Number	Date Received	DEQ File Number
	USACE File Number		Fee received \$

Validate that all parts of this checklist are submitted with the application package. Fill out application and additional pages as needed.  
 All items in Sections 1 through 9 are completed.  
 Project-specific Sections 10 through 20 are completed.  
 Dimensions, volumes, and calculations are provided for all impact areas.  
 All information contained in the headings for the appropriate Sections (1-20) are addressed, and identified attachments (➔) are included.  
 Map, site plan(s), cross sections; one set must be black and white on 8 ½ by 11 inch paper; photographs.  
 Application fee is attached.

**1 Project Location Information** For Latitude, Longitude, and TRS info anywhere in Michigan see [www.mcqi.state.mi.us/wetlands/](http://www.mcqi.state.mi.us/wetlands/)

Project Address (road, if no street address) 854 Front Street, Boyne City, MI	Zip Code 49712	Municipality (Township/Village/ City) City of Boyne City	County Charlevoix
Property Tax Identification Number(s) 051-494-002-00	Latitude See MiWaters	Township/Range/Section (TRS) T 33 N, R 06 W Section 34	
Subdivision/Plat and Lot Number See Legal Info in Location Maps attachment	Longitude See MiWaters		

**2 Applicant and Agent Information**

Owner/Applicant (individual or corporate name) Goran & Mandy Jurkovic via Drost Landscape Company	Agent/Contractor (firm name and contact person) Great Lakes Ecosystems, Attn. Bert C. Ebberts, Consulting Biologist
Mailing Address Attn. Brent Ward, P.O. Box 696	Mailing Address P.O. Box 156
City Petoskey State MI Zip Code 49770	City Indian River State MI Zip Code 49749
Contact Phone Number Fax 231-838-2268 231-348-3852	Contact Phone Number Fax 231-238-7615
Email bward@drostlandscape.com	E-mail ebbertsbert@gmail.com

No  Yes Is the applicant the sole owner of all property on which this project is to be constructed and all property involved or impacted by this project? ➔ If no, attach letter(s) of authorization from all property owners including the owner of the disposal site.

Property Owner's Name Goran & Mandy Jurkovic	Mailing Address 2210 Cawdor Court
Contact Phone Number 517-410-6560	City Lansing State MI Zip 48917

**3 Project Description**

Project Name Jurkovic Family Shoreline Repair Project	Preapplication File Number - - -P
Name of Water body Lake Charlevoix	Date project staked/flagged 10/04/2017 (shoreline mapped)

The proposed project is on, within, or involves (check all that apply)	Project Use
<input checked="" type="checkbox"/> an inland lake (5 acres or more) <input type="checkbox"/> a pond (less than 5 acres) <input type="checkbox"/> a stream, river, ditch or drain <input type="checkbox"/> a legally established County Drain Date Drain was established <input type="checkbox"/> a channel/canal <input checked="" type="checkbox"/> 500 feet of an existing water body	<input checked="" type="checkbox"/> private <input type="checkbox"/> commercial <input type="checkbox"/> public/government <input type="checkbox"/> project is receiving federal/state transportation funds <input type="checkbox"/> Wetland Restoration <input type="checkbox"/> other
<input checked="" type="checkbox"/> a Great Lake or Section 10 Waters <input type="checkbox"/> a wetland <input type="checkbox"/> a 100-year floodplain <input type="checkbox"/> a dam <input type="checkbox"/> a designated high risk erosion area <input type="checkbox"/> a designated critical dune area <input type="checkbox"/> a designated environmental area	

Indicate the type of permit being applied for: General Permit  Minor Project Individual (All other projects.) ➔ See Appendix C.



Written Summary of All Proposed Activities

In accordance with the attached site plan, discharge an approximate total of 28 cubic yards of new natural rip-rap rock material, including one set of 8-foot wide natural stone steps, into a +/- 300 square foot area of existing lakebottom, lakeward of the ordinary high water mark (OHWM) of Lake Charlevoix, for erosion control and shoreline stabilization / improvement purposes. Excavation of new rip-rap tostones requires the removal of approximately 11 cubic yards of native substrate from the same 300 square foot lakebottom area; spoils to remain on-site, incorporated into landscaping activities elsewhere and higher up on the property and/or used as backfill behind the proposed rip-rap wall, on the landward side of the OHWM. Proposed new rip-rap will be an average of 2 feet in diameter, or smaller, where exposed, in order to comply with MDEQ MP 37 requirements. New toestone / step installation is required to stabilize an existing shoreline protected by similar-sized rip-rap that is being undermined by elevated lake levels. Approximately 100 linear feet of shoreline will be protected in this manner. Contractor will perform repairs as much as possible from land, but may need to drive excavator into water to maintain safe work conditions.

Construction Sequence and Methods

Stage rocks and steps near shoreline, then as quickly as possible, construct new rip-rap wall, using a mechanical excavator combined with physical labor. Rocks for new wall will be carefully fitted together, and backed with seawall cloth; small voids between rocks will be filled with crushed gravel if necessary to help the newly constructed rip-rap wall withstand heavy wave and ice action. Effort will be made to secure the new rip-rap into the upland bank so that voids or spaces are minimized, while maintaining a reasonable slope angle of 1 (rise) on 3 (run).

**4 Project Purpose, Use and Alternatives** *Attach additional sheets as necessary.*

Describe the purpose of the project and its intended use; include any new development or expansion of an existing land use.  
This shoreline exhibits serious ongoing undermining due to waves & ice - proposed activity is intended to provide lasting, stable protection.

Describe the alternatives considered to avoid or minimize resource impacts. Include factors such as, but not limited to, alternative locations, project layout and design, and construction technologies. For utility crossings include alternative routes and construction methods.  
Proposed rip-rap size, slope, design and layout are all intended to meet Minor or Nationwide criteria. Environmental impacts are minimal.

**5 Locating Your Project Site** *Attach a legible black and white map with a North arrow.*

Names of roads of closest main intersection **Front Street and Division Avenue**

Directions from main intersection to the project site, with distances from the best and nearest visible landmark and water body **See below**

Description of buildings on the site (*color; 1 or 2 story, other*)  
**Relatively new modern residence**

Description of adjacent landmarks or buildings (*address; color; etc*)  
**See below**

How can your site be identified if there is no visible address? **From above intersection, cross Front Street to 2nd residence on right. Look for address 854 posted on applicant's house, between addresses 856 and 842 on neighboring houses.**

**6 Easements and Other Permits**

No  Yes Is there a conservation easement or other easement, deed restriction, lease, or other encumbrance upon the property?  
➤ If yes, attach a copy. Provide copies of court orders and legal lake levels if applicable.

List all other federal, interstate, state, or local agency authorizations including required assurances for Critical Dune Area projects.

Agency	Type of Approval	Number	Date Applied	Date approved /denied	Reason for denial
Charlevoix County	Soil Erosion		To be applied for	pending State & Federal	permit issuance

**7 Compliance**

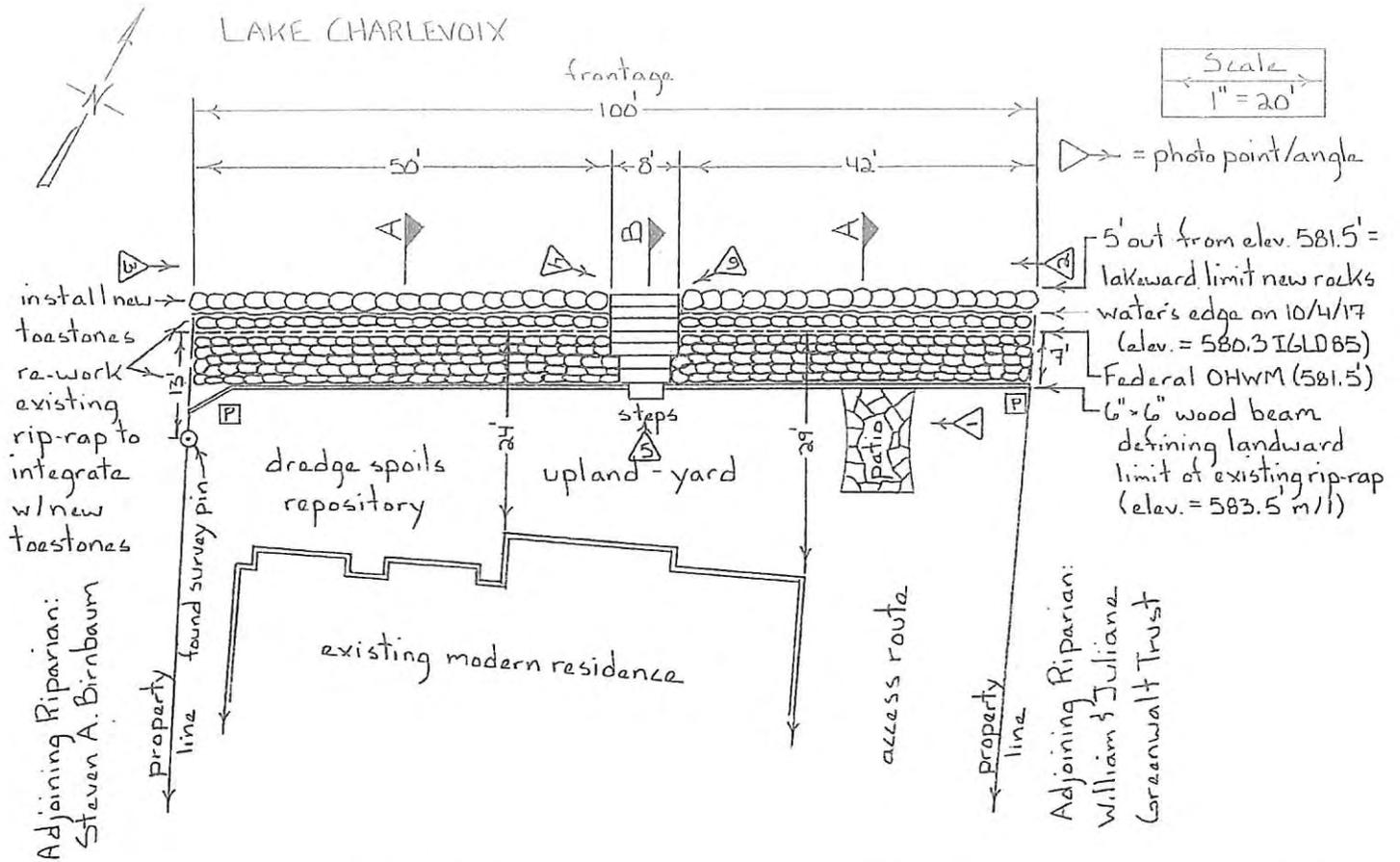
If a permit is issued, when will the activity begin? (M/D/Y) **10/01/2017 or later** Proposed completion date (M/D/Y) **unknown**

**PLEASE ISSUE APPROVALS SO CONTRACTOR CAN COMPLETE BEFORE OR IN WINTER. THANKS!**

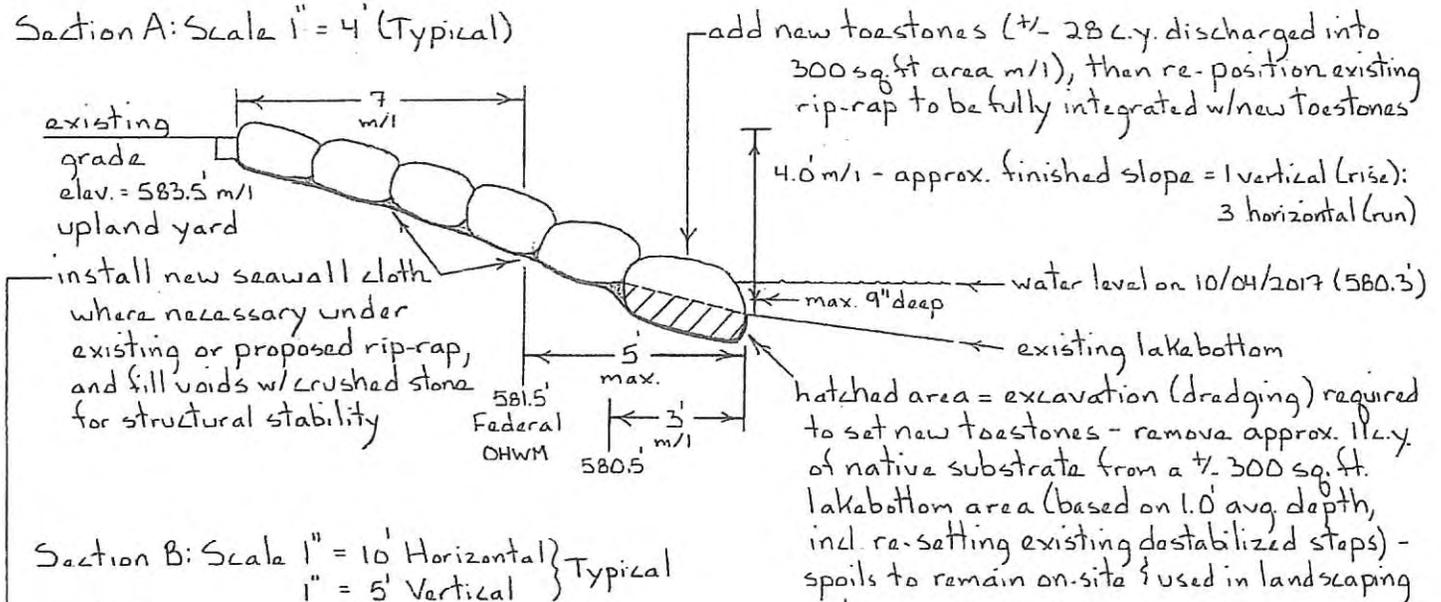
No  Yes Has any construction activity commenced or been completed in a regulated area?  
➤ If Yes, identify the portion(s) underway or completed on drawings or attach project specifications and give completion date(s).  
No  Yes Were the regulated activities conducted under a DEQ and/or USACE permit?  
➤ If Yes, list the permit numbers  
 No  Yes Are you aware of any unresolved violations of environmental law or litigation involving the property?  
➤ If Yes, attach explanation.

**8 Adjoining Property Owners** *Provide current mailing addresses. Attach additional sheets/labels for long lists.*

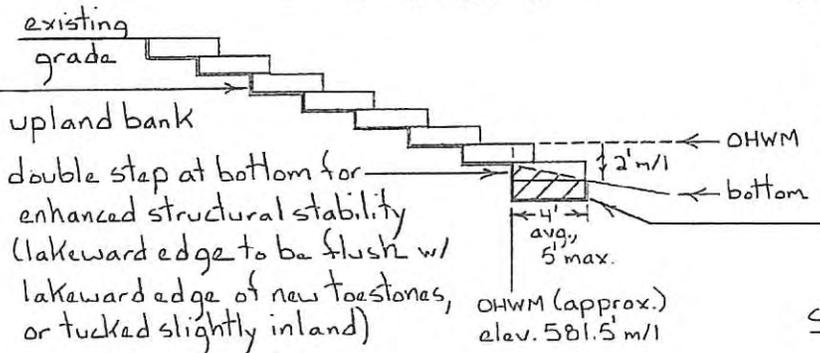




Section A: Scale 1" = 4' (Typical)



Section B: Scale 1" = 10' Horizontal } Typical  
1" = 5' Vertical }



PROPOSED SHORELINE REPAIR

State/ Michigan County/ Charlevoix  
 In/ City of Boyne City (T33N, R6W)  
 Section/ 34 (854 Front Street)  
 Body of water/ Lake Charlevoix  
 Applicant/ Goran & Mandy Jurkovic  
 via Drost Landscape Co.  
 Date/ 10-06-2017  
 Prepared by/ Great Lakes Ecosystems,  
 Box 156, Indian River, MI 49749  
 (c/o Bert C. Ebberts, 231-238-7615)



Established Lake Board Lake Association	Contact Person	Mailing Address	City	State and Zip Code
List all adjoining property owners. If you own the adjoining lot, provide the requested information for the first adjoining parcel that is not owned by you.				
Property Owner's Name	Mailing Address	City	State and Zip Code	
To E: William & Juliane Greenwall Trust	842 Front Street	Boyne City	MI 49712	
To W: Steven A. Birnbaum	P.O. Box 639	Boyne City	MI 49712	

**9 Applicant's Certification** *Read carefully before signing.*

I am applying for a permit(s) to authorize the activities described herein. I certify that I am familiar with the information contained in this application; that it is true and accurate; and, to the best of my knowledge, that it is in compliance with the State Coastal Zone Management Program. I understand that there are penalties for submitting false information and that any permit issued pursuant to this application may be revoked if information on this application is untrue. I certify that I have the authority to undertake the activities proposed in this application. By signing this application, I agree to allow representatives of the DEQ, USACE, and/or their agents or contractors to enter upon said property in order to inspect the proposed activity site before and during construction and after the completion of the project. I understand that I must obtain all other necessary local, county, state, or federal permits and that the granting of other permits by local, county, state, or federal agencies does not release me from the requirements of obtaining the permit requested herein before commencing the activity. I understand that the payment of the application fee does not guarantee the issuance of a permit.

Property Owner <input checked="" type="checkbox"/> Agent/Contractor Corp. or Public Agency / Title	Printed Name <b>Brent Ward, Project Manager Drost Landscape Company</b>	Signature <i>Brent Ward</i>	Date <i>10-6-17</i>
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**10 Projects Impacting Inland Lakes, Streams, Great Lakes, Wetlands or Floodplains**

- Complete only those sections A through M applicable to your project.
- If your project impacts wetlands also complete Section 12. If your project impacts regulated floodplains also complete Section 13.
- To calculate volume in cubic yards (cu yd), multiply the average length in feet (ft) times the average width (ft) times the average depth (ft) and divide by 27. Example: (25 ft long x 10 ft wide x 2 feet deep) / 27 = 18.5 cubic yards
- Some projects on the Great Lakes require an application for conveyance prior to Joint Permit Application completeness.
  - Provide a black and white overall site plan, with cross-section and profile drawings. Show existing lakes, streams, wetlands, and other water features; existing structures; and the location of all proposed structures, land change activities and soil erosion and sedimentation control measures. Review Appendix B and EZ Guides for aid in providing complete site-specific drawings.
  - Provide tables for multiple impact areas or multiple activities such as multiple fill areas or multiple culverts. Include your calculations.

**Water Level Elevation**  
 On inland waters NGVD 29 NAVD 88 other Local Observed water elevation (ft)  
 On a Great Lake  IGLD 85 surveyed  converted from observed still water elevation.

**A. PROJECTS REQUIRING FILL** (See All Sample Drawings)  
 Attach a site plan and cross-section views to scale showing maximum and average fill dimensions with calculations.  
 For multiple impact areas on a site provide a table with location, dimensions and volumes for each fill area.

Purpose	bioengineered shore protection	boat ramp	boat well	bridge or culvert	crib dock
	<input checked="" type="checkbox"/> riprap	seawall	swim area	<input checked="" type="checkbox"/> other lakeward of OHWM	
Dimensions of fill (ft) - <b>new rip-rap lakeward of 581.5 ft</b> Length <b>100 ft</b> Avg. Width <b>3.0 ft</b> Avg. Depth <b>2.5 ft</b>	Total volume (cubic yards) <b>+/- 28 cu yd</b>	Volume below OHWM (cubic yards) <b>+/- 28 cu yd</b>			
Maximum water depth in fill area (ft) <b>9" on 10/04/2017</b>	Area filled (sq ft) <b>+/- 300 sq ft</b>	Will filter fabric be used under proposed fill? No <input checked="" type="checkbox"/> Yes (If Yes, type) <b>Seawall Cloth</b>			

Fill will extend a maximum of **5 feet lakeward of the Federal OHWM, including rip-rap already present on-site that will be re-positioned.**

Type of clean fill    0% peastone    0% sand    **5% crushed gravel (void filler)**    **95% rock rip-rap**



Subject Property:  
854 Front St.



**BOYNE CITY  
ZONING BOARD OF APPEALS**

**APPLICANT INFORMATION**

**APPLICANT:**           **Goran M. & Mandy S. Jurkovic**  
                                  **2210 Cawdor St.**  
                                  **Lansing, MI 48712**

**HEARING DATE:**     **November 7, 2017**

**PROPERTY DESCRIPTION**

15-051-459-002-00 UNIT 2 HARBORAGE SHORES AS RECD L363P136 THRU P190 CX CO R/D

The subject parcel is located at 854 Front St. Boyne City, MI 49712. The property is owned by Goran M. & Mandy S. Jurkovic and located in the Waterfront Residential District (WRD).

**APPLICATION**

**Describe Variance Requests:** The applicant is proposing an addition to an existing nonconforming single-family residence on parcel in the Waterfront Residential District, and requesting a twelve foot (12') variance from the required thirty-five foot (35') waterfront setback.

**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 7, 2017** 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 Goran M & Mandy S Jurkovic.
2. The property identification number is 15-051-459-002-00.
3. The property is in the Waterfront Residential District (WRD).
4. The WRD requires a 35' waterfront setback, upland from the high water elevation.
5. The high water elevation is defined in the Boyne City Zoning Ordinance as 582.4'.
6. The property is currently contains an existing nonconforming single family residence.
7. Access to the property is provided by Front St. which is a public road that bounds the south side of the parcel.
8. The adjacent properties to the east and west are zoned WRD.
9. The adjacent properties to the south across Front St are zoned TRD.
10. The property is not irregularly shaped.
11. The topography of the property is moderately sloping from the street toward the water.
12. The property is approximately 10,500 sq. ft. in size.
13. The minimum lot area in the WRD is 5,445 sq. ft.
- 14.
- 15.
- 16.

**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.
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.

**Roll Call:**

Aye:

Nay:

Abstain:

Absent:

**Motion**

**Date: 11-7-17**

*Original signature on handwritten copy in file*

P. 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.