

**Meeting Of
March 1, 2016**

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, March 1, 2016 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, Lynn Murray and Roger Reynolds
Absent: Pat Kubesh and John McClorey

MOTION

ZBA 2016-03-01-1

Motion by Murray, seconded by Reynolds to excuse the absence of McClorey.

Roll Call

Ayes: Carlile, Murray and Reynolds
Nays: None
Absent: Kubesh and McClorey
Abstain: None
Motion carries

Meeting Attendance

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

Approval of the Minutes

MOTION

ZBA 2016-03-01-2

Motion by Murray, seconded by Reynolds to approve the December 1, 2015 minutes as presented.

Roll Call

Ayes: Carlile, Murray and Reynolds
Nays: None
Absent: Kubesh and McClorey
Abstain: None
Motion carries

**Hearing Citizen comments on
Non-Agenda Items**

None

Correspondence(s)

None other than letters of support received previously for tonight's requested variance.

New Business

None

Old Business

Public hearing opened at 5:04 pm

**Variance Request
1213 Nordic Dr.
John & Anita Clements**

Vice Chair Carlile reviewed the requested variance of owners John & Anita Clements which was postponed from a previous meeting; they are requesting approximately 24 foot of relief from the required 30 foot setback from the east lot line of the property and approximately 24 foot of relief from the required 30 foot setback from the south lot line of the property, to construct an addition to the

existing attached garage and relocate the existing driveway to the east side of the house.

Anita Clements: homeowner – wanted to clarify and give additional facts to the board. She understands that there are regulations that need to be followed, however, similar variances have been granted. They live in an area that has strict rules, and their homeowners association does not have a problem with this request. The slopes in the other areas of their property are financially prohibitive to do more than consider them as possibilities, they temporarily put up tarps to represent where the garage would be placed and there were no obstructions going around the corner. For their own peace of mind, because of the kids playing in the area, wanted to double check and make sure. Her sister is living with them and is handicapped and uses a walker or wheel chair, and it is impossible for her to get outside by herself with the current driveway slope. A flat driveway would also be easier on the homeowners who are becoming elderly. The applicants did go through the findings of fact, and felt that they met all of the criteria. They have spoken with several neighbors and who do not have a problem with the variance request and felt that there was not an obstructed view either.

Carlile - You are aware that we are bound by the ordinance? **Clements** – Yes sir

Public Hearing closed at 5:25

At this point in the meeting, Vice Chair Carlile facilitated the review of the findings of facts

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 street could have been graded and excavated differently initially to alleviate these difficulties. There is a handicapped individual living in the residence, so going up a steep driveway is burdensome.

2. The variance granted is the smallest variance necessary to do substantial justice to the owner as well as to other property owners.

No: there were other options that could have been done, and the board also felt that there were visibility issues rounding the corner if the variance were granted.

Because the answer to question #2 was not in the affirmative, the board did not go through the remainder of the questions.

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.

MOTION

With no further discussion, ***motion by Murray, seconded by Reynolds, based on the findings of fact and that question #2 was not answered in the affirmative, decline the request of John and Anita Clements for approximately 24 foot of relief from the required 30 foot setback from the east lot line of the property and approximately 24 foot relief from the required 30 foot setback from the south lot***

line of the property, to construct an addition to the existing attached garage and relocate the existing driveway to the east side of the house.

2016-03-01-6A

Roll Call:

Aye: Carlile, Murray and Reynolds

Nay: None

Abstain: None

Absent: Kubesh and McClorey

Motion Carried

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

None

**Good of the Order and
Announcements**

None

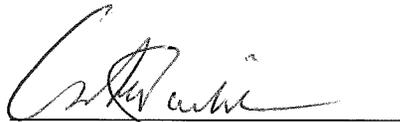
Next Meeting

The next meeting of the Boyne City Zoning Board of Appeals is scheduled for April 5, 2016 at 5:00 p.m.

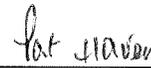
**Adjournment
MOTION**

ZBA 2016-03-01 10

Murray moved, Reynolds seconded, PASSED UNANIMOUSLY a motion to adjourn the Tuesday, March 1, 2016 Boyne City Zoning Board of Appeals meeting at 5:38 p.m.



Robert Carlile, Vice Chair



Pat Haver, Recording Secretary