

**Meeting Of
September 3, 2019**

Record of the proceedings of the Boyne City Zoning Board of Appeals meeting held at Boyne City Hall, 319 N. Lake Street, on Tuesday, September 3, 2019 at 5:00 p.m.

Call To Order

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

Roll Call

Present: Bob Carlile, Pat Kubesh, Roger Reynolds and Monica Ross
Absent: John McClorey (arrived at 5:38 pm)

Meeting Attendance

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

**Approval of the Minutes
MOTION**

ZBA 2019-9-3-2
Carlile moved, Reynolds seconded, PASSED UNANIMOUSLY, a motion to approve the May 7, 2019 meeting minutes as presented.

**Hearing Citizens Present
Correspondence(s)**

None

New Business

**Variance Request
419 E. Lincoln St.
David & Marcella Hill**

Public Hearing opened at 5:01 pm

Assist Zoning Administrator Patrick Kilkenny reviewed his staff report that was included in the agenda packet. The applicant is requesting a two inch (2") side yard setback, or four feet ten inches (4'10") of relief from the required five foot (5') setback from the side lot line. The parcel is approximately 11,434 sq. ft and is in the TRD zoning district, and immediately west of the property the alley was vacated in 2017 with 8.25 ft. given to this property along with the property just west of the vacated alley. The topography shows gradual sloping from south to north and the applicant's drain field and septic tank are in the back yard of the property.

Dawn Behling: 519 Grant St. – I'm here to get an idea of what this request is for and how it will affect my property. She was advised that homeowners within 300 feet of a variance request gets notification. She had concerns as her property backs up to the side yard of this parcel due to the vacation of the alley back in 2017. She had a survey done shortly after the vacation, and the stakes are still standing.

Public Hearing closed at 5:09 pm

Board Discussion

The board had concerns about the lack of detail given to them to make an educated decision as the applicant is not in attendance tonight to answer questions. What would the ramifications be if they were to shift the 8.25 ft from the 409 E. Lincoln St. property to 419 in order to make the lot big enough so a variance was not required? Kilkenny was not sure if that option was even possible legally, but could check into it. It was brought up that the legal description as given on the application does not indicate the additional feet given to both

properties at the vacation of the alley between them in 2017. Even with the knowledge that the plat maps and aerials can be up to 30 feet off, they wanted clarification of when the parking pad for the carport was put in and was it done without the knowledge of the city, as it appears to sit in the middle of the vacated alley, did the applicant consider "single stacking" the cars under the carport, or a possible lot reconfiguration of both of the properties that they own 409 & 419? Do they have a survey that can accurately indicate to us the placement of the house, parking pad, driveway, shed and drain field?

Kilkenny indicated that some of these questions are a moot point as they are not a part of the application before the board, the relief is the only thing that can be considered tonight. A lot reconfiguration must meet all of the zoning ordinance standards, and it is unknown if the lot at 409 could even be reduced in size as it may already be a non-conforming lot. Questions were brought up that if the neighboring property were ever sold, would the prospective buyer be able to get bank financing, if a reconfiguration was done on it. With the information the board has before them tonight, possibly table the discussion until next month and give the applicant an opportunity to be in attendance and/or provide some additional information.

Marcella Hill: applicant and owner of 419 E. Lincoln St. and 409 E. Lincoln St. arrived at 5:21 pm and heard some of the boards concerns. They do own the neighboring property, and there is only 21 feet from the side yard lot line, so if they reconfigured the lots and took 5 feet from that one, it would leave them only 16 ft. in order to put a possible covered carport on that property as well. There is no other spot on either parcel to put up a carport that is level and suitable. The entire back yard of our house (419) is taken up by our drain field and septic tank, we do have a small tool shed in the back corner of the property. I'm not sure how to get the additional information you are looking for, can we use the survey markers that are still up from my neighbor's survey? Do I take pictures of the corner markers or do we have to get a survey? The board gave her a few suggestions that would possibly help her application; get a survey of both parcels, or at least get confirmation of the front corner markers on both parcels, check with the city to see if a lot reconfiguration can be done as the 409 property may be an existing non-conforming lot; check with staff to see if the possibility of putting all of the 16.5 ft from the vacated alley on parcel 419 and nothing on 409? **Kilkenny** - continued to stress to the board that there was nothing in the application indicating the inclusion of 409 E. Lincoln St. so that was not an option for the board to consider tonight.

The board asked if by tabling the decision until next month would it give the applicant time to amend their application request, give them time to gather the additional information, obtain a survey or consider a lot reconfiguration or completely withdraw their application. Marcella Hill indicated that yes it would help and she will get with staff to discuss options

McCloreay arrived at 5:38 pm

MOTION

After board discussion, **motion by Kubesh, seconded by Ross** to table the variance application until next month in order for the applicant to provide a survey or evidence of the corner stakes of both properties, consider the possibility of a lot reconfiguration and get with staff to check to see what the legality of taking the entire 16.5 ft from the alley vacation and giving it all to the 419 E. Lincoln St. property.

2019-9-3-5A.

Roll Call

Aye: Carlile, Kubesh, McClorey, Reynolds and Ross

Nay: None

Abstain: None

Absent: None

Motion Carries

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

None

Good of the Order

Monica Ross will be unavailable for the October meeting

Announcements

The next meeting of the Boyne City Zoning Board of Appeals is scheduled for October 1, 2019 at 5:00 p.m.

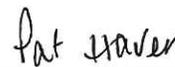
**Adjournment
MOTION**

ZBA 2019-9-3-10

Carlile moved, Ross seconded, PASSED UNANIMOUSLY a motion to adjourn the Tuesday, September 3, 2019 Boyne City Zoning Board of Appeals meeting at 5:43 p.m.



Pat Kubesh, Chair



Pat Haver, Recording Secretary

