

**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