

**Meeting Of  
August 6, 2013**

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, August 6, 2013 at 5:00 p.m.

**Call To Order**

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

**Roll Call  
MOTION**

Present: Bob Carlile, John McClorey, Lynn Murray and Roger Reynolds

Absent: Pat Kubesh

**ZBA 2013-08-06-1**

**Murray moved, McClorey seconded, PASSED UNANIMOUSLY** a motion to excuse the absence of Kubesh.

**Meeting Attendance**

City Officials/Staff: Planning Director Scott McPherson and Recording Secretary Pat Haver

Public Present: Five

**Approval of the Minutes  
MOTION**

**ZBA 2013-08-06-2**

**Murray moved, McClorey seconded, PASSED UNANIMOUSLY** a motion to approve the May 7, 2013 minutes as presented.

**Hearing Citizens Present**

None

**Correspondence(s)**

None

**New Business**

**Variance Request 330  
Mission Dr. Thomas and  
Karen Veryser**

Planning Director McPherson reviewed his staff report that was included in the agenda packet. The applicants Thomas and Karen Veryser are requesting a 5 ft. variance from the minimum 10 ft. side yard setback requirement and a 13 ft. variance from the minimum 30 ft. front yard setback requirement.

**Thomas Veryser:** applicant/owner - Moved to the residence 10 years ago, a hardship they are now experiencing are the stairs leading to all of the bedrooms on the second floor. They now have physical limitations that make climbing stairs difficult, so are planning on turning the current attached garage space into a master bedroom. The garage will architecturally enhance the area values. It will mimic the existing house.

**Ted Macksey:** neighbor at 1110 Jefferson St. I live across the street; they are so secluded in that area, that you can not see them. I am in support of the variance requests.

Planning Director McPherson went through the findings of fact, listed below:

**GENERAL FINDINGS OF FACT**

1. The property is owned by the applicants, Thomas and Karen Veryser.
2. The property is in the Rural Estate District (RED).
3. The property is irregularly shaped.
4. Square footage of this lot is 81,152 square feet; the minimum required in the RED district is 10,890 square feet.
5. The property is currently developed with a single family dwelling.
6. Access to the parcel is provided by Mission Drive which is a private road.
7. Mission Drive is only partially developed and currently provides access to two parcels.

8. If fully developed Mission Drive could provide access for a total of four parcels.
9. The access easement for Mission Drive is the front lot line of the parcel.
10. The RED requires front yard setback of thirty (30) feet.
11. The existing dwelling has a front yard setback of one hundred (100) ft.
12. The RED requires a side yard setback of no less than ten (10) feet.
13. The RED requires the combined side yard setback to be no less than thirty (30) feet.
14. The side yard setbacks for the existing dwelling are 20 ft and 17.6 ft, combined 37.6 ft.
15. The proposed detached accessory building would be located in the front yard of the existing dwelling.
16. Section 21.36 requires detached accessory building not erected completely to rear of an existing dwelling must maintain the required setback for the dwelling. Accessory buildings located to the rear of a dwelling may have a side yard setback of 3 ft.
17. The property has significant building constraints due to steep slopes and wetland areas.
18. The building constraints on the property are located in the rear yard.

Public hearing opened at 5:11 pm. With no public comments closed at 5:12 pm

The board now went through section 27.45 for non-use variances

**FINDINGS OF FACT UNDER SECTION 27.45. – 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 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, It is not possible to erect this structure in an area in the rear of the property.*
2. The variance granted is the smallest variance necessary to do substantial justice to the owner as well as to other property owners.  
*Affirmative, the request is the smallest variance necessary*
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, land topography and wetlands are limiting*
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, land topography, wetlands, mature trees, placement of current well and septic fields all limit building site availability.*

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**

With no further board discussion, **motion by Murray, seconded by Reynolds** to approve the variance requests as presented; a 5 ft. variance from the minimum 10 ft. side yard setback and a 13 ft. variance from the minimum 30 ft. front yard setback requirement.

**ZBA 2013-08-06-5A**

**Roll Call**

Ayes: Carlile, McClorey, Murray and Reynolds

Nays: None

Absent: Kubesh

*Motion carries*

**Old Business**

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

None

**Good of the Order Announcements**

- Welcome to Annie Doyle who was recently hired as the Assistant Planning Director for the city, and will be support staff to the ZBA, Evangeline & Wilson Townships. She gave a brief introduction of herself and her professional background and qualifications.
- Devlon update: McPherson was asked to give a brief review of the public meeting that was called by the developer in July.
- Catt Development broke ground for their residential buildings. He plans on beginning to build three of the units, possibly as early as this fall.

**Next Meeting**

The next meeting of the Boyne City Zoning Board of Appeals is scheduled for September 3, 2013 at 5:00 p.m.

**Adjournment**

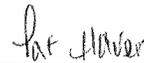
**MOTION**

**ZBA 2013-08-06-10**

**Murray moved, Reynolds seconded, PASSED UNANIMOUSLY** a motion to adjourn the Tuesday, August 6, 2013 Boyne City Zoning Board of Appeals meeting at 5:36 p.m.



Robert Carlile, Vice Chair



Pat Haver, Recording Secretary