

**Meeting Of  
April 26, 2021**

Record of the proceedings of the Boyne City Zoning Board of Appeals meeting held via Zoom, on Monday, April 26, 2021 at 5:00 p.m.

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**Call To Order**

Chair Kubesh called the meeting to order at 5:01 p.m. reviewed the rules and procedures for the zoom meeting.

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**Roll Call**

Present: Bob Carlile (Boyne City), Pat Kubesh (Boyne City), Aaron Place (Petoskey) and Rob Weick (Ohio)  
Absent: John McClorey and Roger Reynolds

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**Excused Absences  
MOTION**

**ZBA 2021-4-26-1**  
**Carlile moved, Place seconded**, a motion to excuse the absence of McClorey and Reynolds

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Roll Call  
Aye: Carlile, Kubesh, Place and Weick  
Nay: None  
Abstain: None  
Absent: McClorey and Reynolds

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**Meeting Attendance**

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

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**Approval of the Minutes  
MOTION**

**ZBA 2021-4-26-2**  
**Carlile moved, Kubesh seconded**, a motion to approve the October 6, 2020 meeting minutes as presented.

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Roll Call  
Aye: Carlile, Kubesh, Place and Weick  
Nay: None  
Abstain: None  
Absent: McClorey and Reynolds

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**Hearing Citizens Present  
Correspondence(s)**

None

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**New Business**

**Variance Request  
Daifuku/Jervis Webb**

Assist Zoning Administrator Patrick Kilkenny reviewed his staff report that was included in the agenda packet. The subject parcels were purchased by the City in 2018 and were transferred into the jurisdiction of the City from Boyne Valley Township through a 425 agreement on March 23, 2021. Additionally, a recommendation to rezone the subject parcels to Planned Industrial District (PID) was made by the Planning Commission to the City Commission. The City Commission completed their first reading of the zoning district designation and zoning map amendment on March 23, 2021 and scheduled the second reading process for April 27, 2021. The proposed 236,000 sq. ft. facility with a 65,000 future expansion area will be oriented parallel to M-75 and placed approximately 400' from the road edge. The proposed location of the structure meets all setback and lot coverage requirements of the PID district. The manufacturing portion of the structure has

a sloped roof with an average building height of 36' 2 ¼". Section 20.20 of the BCZO requires a maximum 35' building height in the PID district. There is a parapet wall on the perimeter of the building that has a height of 38'6", however, the ordinance specifically exempts parapet walls from building height requirements. Per Section 19.70 of the Zoning Ordinance, the Planning Commission can make a recommendation on a variance request prior to submittal to the ZBA. On March 15, 2021 the Planning Commission unanimously recommend to the Zoning Board of Appeals to approve the height variance when it goes before them for consideration; due to the front parapet which will be higher than the roof, need for the large-scale cranes and other necessary mechanical equipment to operate, along with the size and scope of the building. The applicant is requesting 14 ¼" of relief from the building height requirement of Section 20.20 of the City of Boyne City Zoning Ordinance

Chair Kubesh opened the public hearing at 5:18 pm

**Ed Hunt: Integrity Construction** – Thank you for taking the time to call a special meeting, we are before you tonight seeking a variance relief of 14 ½" from the building height requirement of 35'. Average height of the structure is within the zoning ordinance height requirements and there will be a parapet that will make the roof height impossible to see. We have overhead cranes that require 30 foot of clearance. The overall structure will be 700 'long and 300 'wide and will have a sloped roof. With the various requirements from the different jurisdictions, we actually thought the requirement for the roof could be higher.

**Place** – What is the average height of the roof line?

**Hunt** – 38' to the ridge, 38'6" parapet, average height of 36' 2 ¼" height of the sloped roof; which will be used to collect water runoff.

**Carlile** – Will the new facility be able to handle the current employee capacity of the current building?

**Place** – Parapets are allowed by the zoning ordinance, and you won't even notice the roof because of it.

**Kilkenny** – Ed can we get clarification of the exact amount of relief you are asking for. We have had 14.5" and 14 ¼" discussed and in writing.

**Hunt** – We are asking for 14 ¼" relief

**Dave Matelski: Adjacent property owner** – Is MDOT going to do anything with the highway as far as turn or passing lanes?

**Hunt** – Yes, it is in the design phase, we had to complete a traffic study, and that information will be used to determine what they are going to do. Not sure if MDOT will recommend a passing lane or turning lane, or both, it is being designed now, and we will follow their recommendations.

**Tim Hunt: Daifuku President** – Yes we will be taking all of the current Boyne City employees to the new plant, and actually merging our Harbor Springs plant employees into the plant also. Our future goals are to hire additional employees.

**Carlile** – Have all of the city's emergency personnel looked at the design and feel confident in their abilities to service a facility of this size?

**Kilkenny** – The Police, Fire and EMS Chiefs/Directors have all looked at the design and plans and no issues have been raised; all emergency services will be covered.

Hearing no additional comments, the public hearing was closed at 5:30 pm

Board Discussion

The board proceeded with the Findings of Fact, Section 24.80 Non-use Variances

**GENERAL FINDINGS OF FACT**

1. The property is owned by, and in the jurisdiction of the City of Boyne City.
2. The property identification numbers are 15-002-006-017-10, 15-002-006-017-20, and 15-002-006-018-00
3. The property is in the process of being rezoned to Planned Industrial District (PID).
4. Access to the property is provided by M-75 South which is a public road that bounds the south side of the parcel.
5. On the west and north sides, the subject parcels are adjacent to Phase II of the Boyne City Air Industrial Park Parcel which is zoned PID and under the jurisdiction of the City of Boyne City.
6. To the south of the parcels are adjacent properties that are zoned Commercial (C-2) and are under the jurisdiction of Boyne Valley Township.
7. To the east of the parcels are adjacent properties that are zoned Rural Residential (RR-1) and are under the jurisdiction of Boyne Valley Township.
8. The property is not irregularly shaped.
9. The site is relatively flat, elevation near M-75 is approximately 668' going down in a northeast direction to 662' at the north property line.
10. The proposed 236,000 sq. ft. facility with a 65,000 future expansion area will be oriented parallel to M-75 and placed approximately 400' from the road edge.
11. The maximum building height in the PID zoning district is 35'.
12. The manufacturing portion of the structure has a sloped roof with an average building height of 36' 2 ¼".
13. There is a parapet wall on the perimeter of the building that has a height of 38'6".
14. Section 21.04 of the BCZO specifically exempts parapet walls from building height requirements.
15. Per Section 19.70 of the Zoning Ordinance the Planning Commission on March 15, 2021 moved unanimously to recommend to the Zoning Board of Appeals to approve the height variance when it goes before them for consideration; due to the front parapet which will be higher than the roof, need for the large-scale cranes and other necessary mechanical equipment to operate, along with the size and scope of the building.

**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*
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 variance is the smallest 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 – the proposed structure is not impacting the public safety or welfare as it is presented in the Air Industrial/Business Park.*

The need for the variance is not self-created. *Affirmative – due to the front parapet which will be higher than the roof, need for the large-scale cranes with clearance requirements and other necessary mechanical equipment to operate, along with the size and scope of the building.*

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 – following allowable uses in the district, overall scale of the project and what it required to operate.*

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.

With no further board discussion and based on the Findings of Facts **motion by Place, seconded by Carlile** to approve the variance request as presented, to approve the 14 ¼” height variance due to the front parapet which will be higher than the roof, need for the large-scale cranes and other necessary mechanical equipment to operate, required clearance for the overhead equipment and cranes, along with the size and scope of the building. In addition, the total agenda packet information for this item is to become a part of the Decision and Order.

**MOTION**

**ZBA 2021-4-26-5**

Roll Call

Aye: Carlile, Kubesh, Place and Weick

Nay: None

Abstain: None

Absent: McClorey and Reynolds

*Motion Carries*

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None

**Old Business**

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Due to a lack of agenda items, the May 4, 2021 meeting will be cancelled. So the next meeting of the board will be Tuesday, June 1, 2021

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

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None

**Good of the Order**

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The next meeting of the Boyne City Zoning Board of Appeals is scheduled for June 1, 2021 at 5:00 p.m.

**Announcements**

**Adjournment  
MOTION**

**ZBA 2021-4-26-10**

**Place moved, Carlile seconded, PASSED UNANIMOUSLY** a motion to adjourn the Monday, April 26, 2021 Special Boyne City Zoning Board of Appeals meeting at 5:41 p.m.

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Pat Kubesh, Chair

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Pat Haver, Recording Secretary