

**BOYNE CITY
ZONING BOARD OF APPEALS**

APPLICANT INFORMATION

APPLICANT: **William C. Gleich**
 4551 S Bay Mill Point Rd.
 Brimley, MI 49715

HEARING DATE: **October 12, 2017**

PROPERTY DESCRIPTION

89COMB 171-007-00 & 171-008-00 COM AT SW COR BLK 2 WILLIAM T ADDIS ADD TO VILL OF SPRING HARBOR(NOW CITY OF BC) TH S75DEG34'18"E(RECD SD S75DEG E) AL SWLY LI OF SD BLK 2 283.03FT TO A PIPE RECD AS BEING ON E LI OF W 16.5 RDS (272.25FT)OF SD BLK 2 TH S00DEG09'11"W 68.95FT TO ST ON NELY LI BLK 1 SD PLAT SD PT RECD AS BEING ON E LI OF W 16.5RDS(272.25FT) OF SD BLK 1 BEING POB TH S 75DEG E AL SD NELY LI SD BLK 1 113.18FT TO ST RECD AS BEING THE E LI OF W 381FT OF SD BLK 1 TH S01DEG04'49"E AL SD E LI OF W381FT OF SD BLK 1 91.70FT TO ST ON SH LK CHX TH N69DEG56'28"W AL SD SH 116.60 FT TO PIPE RECD AS BEING ON E LI OF W 16.5RDS (272.25FT) OF BLK 1 TH LEAV SD SH N01DEG04'49"W AL SD E LI OF W 16.5RDSOF BLK 1 81FT TO POB PT OF BLK 1 WM T ADDIS ADD TO VILL OF SPRING HARBOR CONT 0.216A

The subject parcel is located at 541 Bay St. Boyne City, MI 49712. The property is owned by William Gleich and located in the Waterfront Residential District (WRD).

APPLICATION

Describe Variance Requests: 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.

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An affirmative vote of a majority of members shall be required to reverse any order, requirement, decision or determination of the City Manager, an administrative official of the City, or the Planning Director except that a two-thirds (2/3) majority of members shall be necessary to grant any variances from uses of land which may be permitted by this Ordinance.

BOARD DECISION AND ORDER

The Board having considered the Application, a public hearing having been held on **October 12, 2017** after giving due notice as required by law, the Board having heard the statements of the Applicant/Applicant's attorney and agents, the Board having considered letters submitted by

members of the public and several comments by members of the public, the Board having considered the following Findings of Fact and Exhibits as part of the record, and the Board having reached a decision on this matter, states as follows:

GENERAL FINDINGS OF FACT

1. The property is owned by William C. Gleich.
2. The property identification number is 15-051-171-007-10.
3. The property is in the Waterfront Residential District (WRD).
4. The property is currently vacant.
5. Access to the property is provided by Bay St. which is a public road that bounds the north side of the parcel.
6. The adjacent properties to the north, east and west are zoned WRD.
7. The property is not irregularly shaped.
8. The topography of the property is steep on the northern half of the property sloping from north to south, and gradually sloping on the southern half toward the lakeshore.
9. The property is approximately 11,527 sq. ft. in size.
10. The minimum lot area in the WRD is 5,445 sq. ft.

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 by Reynolds, seconded by Murray, to approve the variance request as presented on drawings dated May 4, 2017

Roll Call:

Aye: Carlile, McClorey, Murray and Reynolds

Nay: None

Abstain: None

Absent: Kubesh

Motion Carries

Date: 10-12-17

Original signature on handwritten copy in file

Robert Carlile, Zoning Board of Appeals Vice Chairperson

Date

TIME PERIOD FOR JUDICIAL REVIEW

- MCLA 125.3607 provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Zoning Board of Appeals to the Circuit Court. Pursuant to MCLA 125.3606 any shall be filed within 30 days after the zoning board of appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the zoning board of appeals, if there is no chairperson, or within 21 days after the zoning board of appeals approves the minutes of its decision.