

**Meeting Of
May 7, 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, May 7, 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, John McClorey and Roger Reynolds
Absent: None
Vacancy: One

Meeting Attendance

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

**Approval of the Minutes
MOTION**

ZBA 2019-5-7-2
Carlile moved, Reynolds seconded, PASSED UNANIMOUSLY, a motion to approve the September 11, 2018 meeting minutes as presented, with the correction of Murray added under the ayes for motion 2018-9-11-5A.

**Hearing Citizens Present
Correspondence(s)**

None

New Business

**Variance Request
413 Bay St.
Kurt and Brigit Anthony**

Public Hearing opened at 5:02 pm

Assist Zoning Administrator Patrick Kilkenny reviewed his staff report that was included in the agenda packet. The applicant is seeking relief from the 15 foot rear yard setback; due to the steep slopes in the amount of five feet (5'). In reviewing ZBA records in the vicinity, four relevant cases on Bay Street have been before the ZBA also requesting relief from the rear yard setback.

Eric Render: Contractor for the applicant. – The steep topography is very limiting for a building envelope. As evidenced in the past, this issue has come up with other lots in the immediate area. As this lot is a bit deeper, we are not requesting as much relief, only 5 feet.

Public Hearing closed at 5:06 pm

Board Discussion

With no further discussion, *Kubesh facilitated the discussion on the General Findings of Fact and wanted one point added; Bay Street has limitations as the right of way is pushed to the North due to existing topography and narrowness of the road*, and then moved onto the Findings of Fact under Section 24.80

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 looking at the practical difficulties and the steep slopes in the vicinity*

2. The variance granted is the smallest variance necessary to do substantial justice to the owner as well as to other property owners. *Affirmative*
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 other previous variance requests have been granted in the vicinity due to the topography. Concerned about safety with the winter snow and ice pack on a steep driveway*
4. The need for the variance is not self-created. *Affirmative, due to the topography of the area*
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 of this lot.*

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 Carlile, seconded by Reynolds to recommend approval of the requested variance as presented; five feet (5') of relief from the fifteen foot (15') rear yard setback.

2019-5-7-5A.

Roll Call

Ayes: Carlile, Kubesh, McClorey and Reynolds

Nays: None

Abstain: None

Absent: None

Vacancy: One

Motion Carries

**Kubesh and Reynolds Term
Expiration: September
2019**

MOTION

The term of Pat Kubesh and Roger Reynolds are due to expire in September 2019. Both members have indicated they are willing to serve another three year term. After board discussion, **motion by McClorey, seconded by Carlile**, to recommend to the City Commission the reappointment of Pat Kubesh and Roger Reynolds to a three year term on the Zoning Board of Appeals to expire on September 1, 2022.

ZBA 2019-5-7-5B.

Roll Call

Ayes: Carlile, Kubesh, McClorey and Reynolds

Nays: None

Abstain: None

Absent: None

Vacancy: One

Motion Carries

**Election of Officers
MOTION**

Motion by McClorey, seconded by Reynolds, to leave the slate of officers as they currently are, Pat Kubesh as Chair and Bob Carlile as Vice Chair of the Zoning Board of Appeals

ZBA 2019-5-7-5C.

Roll Call

Ayes: Carlile, Kubesh, McClorey and Reynolds

Nays: None

Abstain: None

Absent: None

Vacancy: One

Motion Carries

**Adoption of the 2019
Meeting Calendar
MOTION**

ZBA 2019-5-7-5D

Included in the agenda packet is the 2019 meeting calendar for your review and consideration. **Motion by Reynolds, seconded by Carlile, PASSED UNANIMOUSLY,** to adopt the calendar as presented for January 2019 through May 2020 with the meetings to be held the 1st Tuesday of each month at 5:00 pm.

**Recommendation for
Zoning Board of Appeals
Appointment Monica
Ross
MOTION**

Assistant Planning Director Kilkenny reviewed his staff report included in the agenda packet. There is a vacancy on the board with a term ending September 1, 2021. There was 1 submitted application for the position, and Monica Ross was invited to the meeting to meet and speak with the board. After board discussion, **motion by Kubesh, seconded by Carlile, PASSED UNANIMOUSLY,** to recommend to the City Commission the appointment of Monica Ross to fill the vacancy on the Zoning board of Appeals, with a term expiring September 1, 2021.

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

None

Good of the Order

Pat Kubesh will be unavailable for the July meeting

Announcements

The next meeting of the Boyne City Zoning Board of Appeals is scheduled for June 4, 2019 at 5:00 p.m.

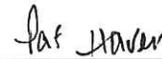
**Adjournment
MOTION**

ZBA 2019-5-7-10

McClorey moved, Carlile seconded, PASSED UNANIMOUSLY a motion to adjourn the Tuesday, May 7, 2019 Boyne City Zoning Board of Appeals meeting at 5:29 p.m.



Pat Kubesh, Chair



Pat Haver, Recording Secretary