

Approved: \_\_\_\_\_

**Meeting Of  
November 5, 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, November 5, 2013 at 5:00 p.m.

**Call To Order**

Vice Chair Carlile called the meeting to order at 5:02 p.m.

**Roll Call**

Present: Bob Carlile, John McClorey, Lynn Murray and Roger Reynolds  
Absent: Pat Kubesh (arrived at 5:08 pm)

**Meeting Attendance**

City Officials/Staff: Assistant Planning Director Annie Doyle and Recording Secretary Pat Haver  
Public Present: Two

**Approval of the Minutes  
MOTION**

**Reynolds moved, McClorey seconded, PASSED UNANIMOUSLY**, a motion to approve the October 1, 2013 minutes as presented.

**ZBA 2013-11-05-2**  
*Motion carries*

**Hearing Citizens Present**

None

**Correspondence(s)**

None

**New Business**

**Variance Request  
709 Lake Park Dr.  
Chris and Lisa Montague**

Public hearing opened at 5:04 pm

Assistant Planning Director Doyle reviewed her staff report that was included in the agenda packet. The applicants, Chris and Lisa Montague, are requesting a 1 foot variance from the side yard setback requirement of 5 ft. to allow for a 14' x 16' bump out to their existing primary structure on the west side of the residence for a eave overhang.

**Ken Provost from Birchwood Constructions representing the applicant** – After the property was re-surveyed, the actual overhand is only 7". They are actually now only asking for a variance of 3.5". The architect was working off of a different site plan, and believed she was within all of the setbacks, and it was confirmed when we applied for the permit that they were not. The primary reason for the request is aesthetics, if we do not get a variance; we can build without the overhang, however, we would like the overhang to match the rest of the house. There is really not hardship, just aesthetics for the homeowner. Cutting a foot off of the building is not possible as the inside of the house would not all work together.

Kubesh arrived at 5:08 pm, and the meeting was turned over to him at that time.

**Reynolds** – The open space to the west is for the association and is condemned space because of contamination from the Tannery, and not buildable.

**Provost** – Actually the spoils from this lot had to be removed and disposed of off site and fill needed to be brought back in.

With no further comments, public hearing was closed at 5:15 pm

## Board Discussion

Chair Kubesh went through the findings of fact, listed below:

### GENERAL FINDINGS OF FACT

1. The property is owned by applicants, Chris and Lisa Montague.
2. The property is in the Traditional Residential District (TRD).
3. The property is currently developed with a single family dwelling in The Harborage condominium.
4. Access to the property is provided by Lake Park Drive which is a ~~public~~ private association road that bounds the front side of the parcel.
5. The east side of the property shares a lot line with another privately owned single family dwelling in the condominium.
6. The west side of the property is a park serving as one of the condominium's dedicated open spaces.
7. The rear side of the property is bounded by another common area for the condominium.
8. The property is not irregularly shaped.
9. The TRD minimum lot area requirement is 5,445 SF.
10. Square footage of the lot is approximately 8,655 SF.
11. The TRD requires a side yard setback of no less than 5 feet.
12. The TRD requires a combined side yard setback to be no less than 15 feet.
13. The side yard setbacks for the existing primary dwelling are 5 feet and 14.8 feet, for a combined total of 19.8 feet.
14. The proposed addition to the primary dwelling would be located on the west side of the property.

### 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 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.
  - A. *No*

***Motion by McClorey, seconded by Murray, PASSED UNANIMOUSLY, that requiring the owner to comply with the regulations would not be unreasonably or unnecessarily burdensome for the owner to use the property for a permitted use.***

*Because the answer to question 1. was not in the affirmative, the board did not go through the remainder of the questions.*

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 Carlile, seconded by McClorey** to deny the request for a side yard setback variance of 3.5 inches.

**ZBA 2013-11-05-5A**

**Roll Call**

Ayes: Carlile, Kubesh, McClorey, Murray and Reynolds

Nays: None

Absent: None

*Motion carried*

**Old Business**

None

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

**ZBA 2013-11-5-5B**

**Motion by Carlile, seconded by McClorey, PASSED UNANIMOUSLY**, to adopt the 2014 meeting calendar as presented.

**Adoption of the 2014  
meeting calendar**

**Good of the Order  
Announcements**

McClorey will not be available for the January 2014 meeting if one is held.

**Next Meeting**

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

**Adjournment  
MOTION**

**ZBA 2013-11-05-10**

**Reynolds moved, Murray seconded, PASSED UNANIMOUSLY** a motion to adjourn the Tuesday, November 5, 2013 Boyne City Zoning Board of Appeals meeting at 5:27 p.m.

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Patrick Kubesh, Chair

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Robert Carlile, Vice Chair

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Pat Haver, Recording Secretary