



# City of Boyne City

Founded 1856

319 N. Lake Street

Boyne City, Michigan 49712  
www.boynecity.com

Phone 231-582-6597  
Fax 231-582-6506

BOYNE CITY  
ZONING BOARD OF APPEALS MEETING  
Tuesday, August 6, 2013  
5:00 P.M.  
Boyne City Commission Chambers, City Hall

1. CALL TO ORDER AND ROLL CALL  
Excuse Absences
2. APPROVAL OF MINUTES – May 7, 2013
3. HEARING CITIZENS PRESENT (on non-agenda items)
4. CORRESPONDENCE
5. NEW BUSINESS
  - A. Variance Request 330 Mission Drive
6. OLD BUSINESS
  - A. None
7. REPORTS OF OFFICERS, BOARDS, AND STANDING COMMITTEES
8. GOOD OF THE ORDER
9. ANNOUNCEMENTS
10. ADJOURNMENT



Scan QR code or go to  
[www.cityofboynecity.com](http://www.cityofboynecity.com)

click on Boards & Commissions for complete  
agenda packets & minutes for each board

*Next meeting September 3, 2013*

*Individuals with disabilities requiring auxiliary aids or services in order to participate in municipal meetings may contact Boyne City Hall for assistance: Cindy Grice, City Clerk/Treasurer, 319 North Lake Street, Boyne City, MI 49712; phone (231) 582-0334*

**Meeting Of  
May 7, 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, May 7, 2013 at 5:00 p.m.

**Call To Order**

Vice Chair Carlile called the meeting to order at 5:01 p.m.

**Roll Call**

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

**Meeting Attendance**

City Officials/Staff: Assistant Planning Director Leslie Meyers and Recording Secretary Pat Haver  
Public Present: None

Welcome to Leslie Myers who was hired as the Assistant Planning Director, and will be support staff to the ZBA. She gave a brief introduction of herself and her professional background and qualifications.

**Approval of the Minutes  
MOTION**

**ZBA 2013-05-07-2**  
**McClorey moved, Reynolds seconded, PASSED UNANIMOUSLY** a motion to approve the December 4, 2012 minutes as amended.

**Hearing Citizens Present**

None

**Correspondence(s)**

None

**New Business**

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

**Election of Officers**

**MOTION**

**ZBA 2013-05-07-5A**  
**Roll Call**  
Ayes: Carlile, McClorey, Murray and Reynolds  
Nays: None  
Absent: Kubesh  
*Motion carried*

**Recommendation of ZBA  
Re-appointments of Kubesh  
and Reynolds**

The terms of Pat Kubesh and Roger Reynolds are due to expire on September 1, 2013. Both members have indicated that they are willing to serve another three year term. After board discussion, **motion by Carlile, seconded by Murray** 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, 2016

**MOTION**

**ZBA 2013-05-07-5B**  
**Roll Call:**  
Ayes: Carlile, McClorey, Murray and Reynolds  
Nays: None  
Absent: Kubesh  
*Motion carried*

**Consideration of ZBA  
Decision Form**

Assistant Director Meyers presented the board with a ZBA Determination form that she had used in her previous position, for review, discussion and possible use. This form would be completed the night of a case hearing, so that the applicant or their representative can have some type of paperwork immediately with the boards' decision. This will be in addition to the Findings of Fact form that will be completed for the files. The board discussed the form, and made a few minor suggestions and asked that Assistant Director Meyers check into a couple of items and make the suggested revisions.

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

None

**Good of the Order  
Announcements**

The annual rubbish pickup is slated to begin the first week in June for 3 weeks and then again the first week of September for 3 weeks. Meyers will use this as a tool to assist residents in taking care of their yards and property, as a first step. Any additional needed enforcement could result in a ticket being issued.

**Next Meeting**

The next meeting of the Boyne City Zoning Board of Appeals is scheduled for June 4, 2013 at 5:00 p.m.

**Adjournment  
MOTION**

**ZBA 2013-05-07-10**

**Carlile moved, McClorey seconded, PASSED UNANIMOUSLY** a motion to adjourn the Tuesday, May 7, 2013 Boyne City Zoning Board of Appeals meeting at 5:23 p.m.

\_\_\_\_\_  
Robert Carlile, Vice Chair

\_\_\_\_\_  
Pat Haver, Recording Secretary

## CITY OF BOYNE CITY

**To:** Chair Pat Kubesh and fellow ZBA members  
**From:** Scott McPherson, Planning Director  
**Date:** August 6, 2013  
**Subject:** Variance Request at 330 Mission Dr. PID  
051-026-029-25



---

### Background

The applicants, Thomas and Karen Veryser own an existing home located at 330 Mission Drive. Mission Drive is a private road that is located on the west side of Jefferson near the top of the hill. Mission Drive is located on a 15' easement that provides access to the subject parcel and 3 others that were created by a land division in 1996. Currently only the two easterly parcels of the four have been developed with single-family dwellings.

The property is located in the Rural Estate District, which has the following setback requirements:

- Front: 30 feet
- Sides: At least one of 10 feet, with a total of the two of 30 feet
- Rear 30 feet

### Discussion

The applicants 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. The purpose of the request is to allow for the construction of a new 28 ft x 36 ft detached garage. The existing attached garage will be converted to additional living space for the home. As shown on the provided survey the parcel is an irregular shaped that is 1.863 Acres and is 100 feet wide at the building line. While the parcel is relatively large for a city lot, the buildable area of the lot is significantly reduced due to severe slopes and wetlands. (See attached building constraints map).

### Summary

The ZBA should review the enclosed information, visit the property, and apply the standards in Section 27.45.

### Exhibits

- A. Boyne City Zoning Ordinance (by reference)
- B. Application
- C. Survey
- D. Survey detail with conceptual structure footprint and building envelope
- E. Building Constraints Map

- F. Photos of site and proposed building location
- G. Letter from Haggard's Plumbing



# City of Boyne City

319 N. Lake Street  
Boyne City, MI 49712  
Phone: 231-582-6597  
Fax: (231)582-6506  
[www.boynecity.com](http://www.boynecity.com)

## ZONING BOARD OF APPEALS APPLICATION

Owner Name: THOMAS J. & KAREN M. VERYSER  
Address: 330 MISSION DR.  
BOYNE CITY  
Phone: 231 582-3684 E-mail: TVERYSER@CHARTER.NET

Describe Variance Request: 28 X 36 OUTBUILDING/GARAGE that extends beyond the 15' SET-BACK to the WEST & beyond the 45' SETBACK to the North

Property Street Address: 330 MISSION DRIVE  
Nearest Intersection: MISSION / JEFFERSON  
Property Tax ID #: 051-026-029-25 Zoning District: BOYNE CITY  
Legal Description of Property (attach separate sheet if necessary): \_\_\_\_\_

### Please attach:

- Proposed building/construction with dimensions and front, side and rear yard setbacks
- Existing buildings/structures including decks, driveways, storage buildings, etc.
- Lot lines and dimensions and layout, including parking/loading areas
- Photos, prints, maps, graphics, or drawings of current site
- Copy of Soil Erosion permit application or MDNR permit application, if applicable
- Letter of approval from association's Aesthetic Review Committee, if applicable
- Well and/or septic permit or copy of approved City sewer/water application, if applicable
- Pertinent topographic features (steep slopes, trees, water, etc.)
- Road names, lakeshores, streams, easements, or other dedicated rights-of-way abutting the property
- Any other information you feel is necessary to present your case

*Note: I understand and agree to abide by all provisions of the Boyne City Zoning Ordinance as well as all procedures and policies of the Boyne City Zoning Board of Appeals as those provisions, procedures, and policies relate to the handling and disposition of this application; that the above information is true and accurate to the best of my knowledge; and that a filing fee is due with this application. I understand that if the requested variance is granted, I am in no way relieved from all other applicable requirements. I grant permission to the Zoning Administrator and other City Officials to enter the property and make such investigations and tests as they deem necessary.*

Owner's Signature Thomas J. Vyers Date July 1, 2013

This is to certify the required filing fee was received on \_\_\_\_\_ and documented with receipt number \_\_\_\_\_. This application is scheduled for public hearing on 8/6/13.

Staff Initials SM

PARCEL NUMBER: 15051-026-029-25  
PROPERTY ADDRESS: 330 MISSION DR  
PROPERTY TYPE: 401 RESIDENTIAL  
CLASS CODE: 401  
SCHOOL: 15020 BOYNE CITY, 15020

Assessment & Tax Information online at:  
[www.charlevoixcounty.org](http://www.charlevoixcounty.org)

Legal Description:  
COM AT N1/4 COR SEC 26 T33N R6W TH AL N&S1/4  
LI SD SEC S00DEG03'12"E 2634.51FT TO CEN 1/4  
COR SD SEC TH AL E&W1/4 LI N 89DEG48'02"W  
33.0FT TO W LI JEFFERSON STFOR POB TH  
S27DEG50'03"W 56.44FT TO SLY LI PVT ESMT TH  
SONT S27DEG50'03"W 288.54 FT TH  
S00DEG10'27"E 353.68FT TO S LI OF N1/2 OF  
NE1/4 OF SW1/4 SD SEC TH N89DEG 54'43"W  
132.94FT TH N00DEG10'27"W 316.10FT TH  
N27DEG50'03"E 370.77FT TO S LI SD ESMT TH  
CONT N27DEG50'03"E 16.93FT TO E&W1/4 LI SD  
SEC TH S89DEG48'02"E 112.88FT TO POB BEING P  
COMPLETE LEGAL DESCRIPTION ON FILE





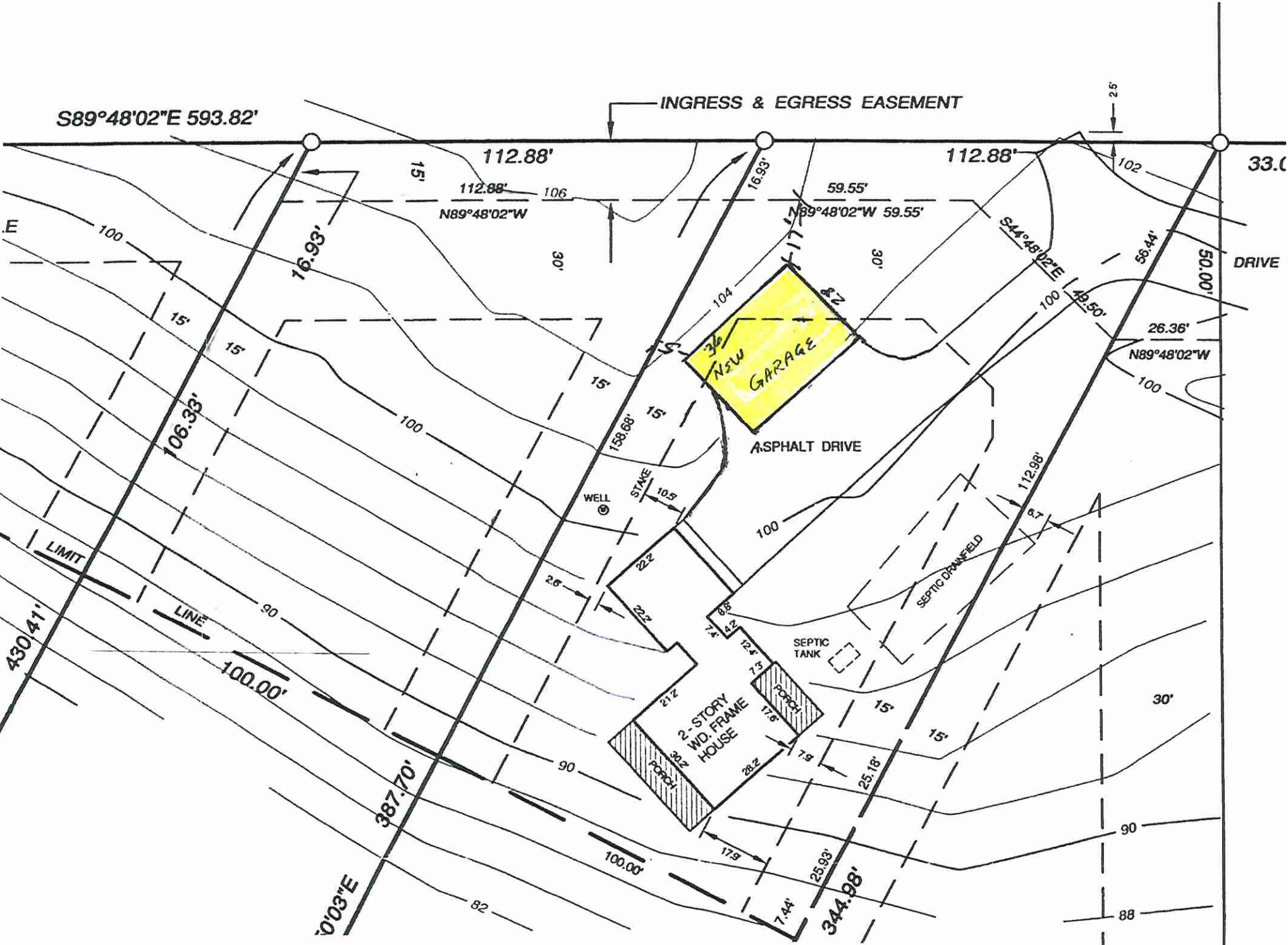
36

New Garage

28







Subject Parcel

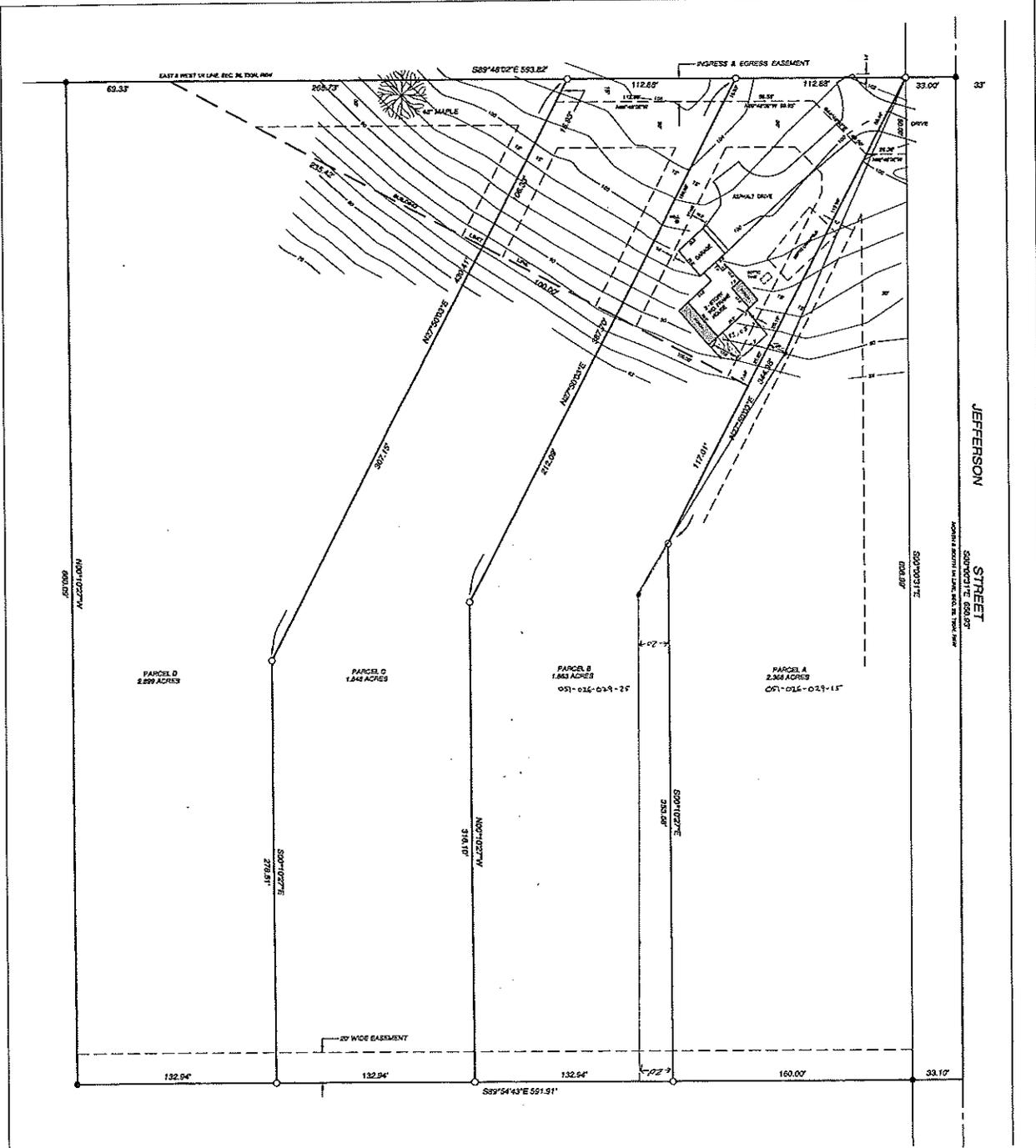
25% Grade

Wetland Area  
(Wetland Data derived from  
the National Wetland Inventory  
for Charlevoix County)

Mission Dr

Jefferson





TOPOGRAPHIC MAP  
OF  
PART OF THE 1/4 OF S.E. 1/4  
SECTION 28, T30N, R7W  
CITY OF BOSTON, CITY OF HARTFORD COUNTY, MICHIGAN

PREPARED FOR  
TOM VERYSER  
*Tom Veryser*



*Ferguson & Chamberlain, Inc.*  
FERGUSON & CHAMBERLAIN, INC.  
P. O. BOX 100

FERGUSON & CHAMBERLAIN ASSOCIATES, INC.		Block #	DOH	Acres	4-20-11
PROFESSIONAL SURVEYORS		Subdiv	SAC	Drawn by	237126.dwg
1800 W. LAFAYETTE ST.		File #	SB-23115C.D9		
ANN ARBOR, MI 48106		Sheet	1 of 1		

**BOYNE CITY  
ZONING BOARD OF APPEALS**

**APPLICANT INFORMATION**

**APPLICANT:**           **Thomas and Karen Veryser  
330 Mission Dr  
Boyne City MI 49712**

**HEARING DATE:**      **August 6, 2013**

**PROPERTY DESCRIPTION**

The property located at **330 Mission Dr.**, described as tax identification number 15-051-026-029-25, hereinafter referred to as the property.

**APPLICATION**

**Describe Variance Requests:** The applicants 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 for parcels located in the Rural Estate District.

**BOYNE CITY  
ZONING BOARD OF APPEALS**

*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 **August 6, 2013** 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 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 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.
- 19.
- 20.

### **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.
2. The variance granted is the smallest variance necessary to do substantial justice to the owner as well as to other property owners.
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.

4. The need for the variance is not self created.
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.

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:**

Roll Call  
Aye:  
Nay:  
Abstain:  
Absent:

Date:

---

Zoning Board of Appeals Chairperson

**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.

# Haggard's

## **PLUMBING and HEATING**

"Business of Quality and Service"

"Charlevoix-the-Beautiful"

haggardsinc@hotmail.com

Date: July 23, 2013

To: City Planners Office  
319 N. Lake Street  
Boyne City, MI 49712

RE: 15-051-026-029-25; 330 Mission Street

To whom it may concern,

Upon reviewing the above Notice of Public Hearing of the Zoning Board Of Appeals, I would like to express my support with the above request of the owner. Haggard's Plumbing & Heating is not at all opposed to the changes of their property and/or the request to the Zoning Board. If a property owner is fortunate enough to have the ability and the resources in this time of economical struggles to either build and/or improve their existing property, we would like to see their request granted. It would prove positive for the local, county, state and country to do all we can to improve and promote growth in any way possible.

Sincerely,

Haggard's Plumbing & Heating