

BOYNE CITY  
ZONING BOARD OF APPEALS MEETING  
Tuesday, October 6, 2020  
5:00 P.M.  
Boyne City Commission Chambers, City Hall

1. CALL TO ORDER AND ROLL CALL
2. APPROVAL OF MINUTES – December 3, 2019
3. HEARING CITIZENS PRESENT (on non-agenda items)
4. CORRESPONDENCE
5. NEW BUSINESS
  - A. Variance Request 234 Ridge St.
  - B. Term Renewal
  - C. Election of Officers
  - D. Calendar Approval
  - E. ZBA Resignation and Appointment
6. OLD BUSINESS
  - A. None
7. REPORTS OF OFFICERS, BOARDS, AND STANDING COMMITTEES
8. GOOD OF THE ORDER
9. ANNOUNCEMENTS
  - A. Next regularly scheduled meeting: Tuesday, November 10, 2020
10. ADJOURNMENT



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

*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*

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

**Meeting Of  
December 3, 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, December 3, 2019 at 5:00 p.m.

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**Call To Order**

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

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**Roll Call**

Present: Bob Carlile, Pat Kubesh, Roger Reynolds and Monica Ross  
Absent: John McClorey

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**Excused Absences**

**ZBA 2019-12-3-1**  
**Kubesh moved, Carlile seconded, PASSED UNANIMOUSLY**, a motion to approve the absence of McClorey

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**Meeting Attendance**

City Officials/Staff: Assistant Planning and Zoning Administrator Patrick Kilkenny and Recording Secretary Pat Haver  
Public Present: None

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**Approval of the Minutes  
MOTION**

**ZBA 2019-12-3-2**  
**Reynolds moved, Carlile seconded, PASSED UNANIMOUSLY**, a motion to approve the October 1, 2019 meeting minutes as presented.

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**Hearing Citizens Present  
Correspondence(s)**

None

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**New Business**

**Variance Request  
419 E. Lincoln St.  
David & Marcella Hill**

Assist Zoning Administrator Patrick Kilkenny reviewed his staff report that was included in the agenda packet along with previous meeting discussions on the application. The matter before you tonight is a continuation of the variance request by Marcella Hill from 419 E. Lincoln Street. Previously the board asked for additional information from the applicant in the form of a property survey or evidence of the corner stakes from a neighboring property that was surveyed after the alley was vacated; or consider the possibility of a lot reconfiguration with the neighboring property that they also own adjacent to the vacated alley at 409 E. Lincoln St. After several conversations between staff and the applicant, no additional information was provided for the board's consideration. Without the applicant in attendance at the meeting, the board has no additional information in order to make any sort of determination. They proceeded with the Findings of Fact, Section 24.80 Non use Variances

**GENERAL FINDINGS OF FACT**

1. The property is owned by David & Marcella Hill.
2. The property identification number is 15-051-368-335-00.
3. The property is in the Traditional Residential District (TRD).
4. Access to the property is provided by E. Lincoln St. which is a public road that bounds the south side of the parcel.
5. The adjacent properties to the north, south, east and west are zoned TRD.
6. David & Marcella Hill own the property adjacent to the subject property at 409 E. Lincoln St.
7. The property is not irregularly shaped.

8. The topography of the property is gradually sloping from south to north on most of the property, then steeper on the far northern portion.
9. The property is approximately 11,434 sq. ft. in size.
10. The minimum lot area in the TRD 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. *Negative continued use of the property as is; is not unnecessarily burdensome.*  
  
*Because the answer to question #1 was not in the affirmative, the board did not go through the remainder of the questions, as all 5 answers must be in the affirmative.*
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.

With no further board discussion, **motion by Carlile, seconded by Kubesh** to recommend denying the request because of the inability of the board to take positive action due to the applicant not providing the requested additional information, and the result of the answers to the Finding of Facts, Section 24.80 Non Use Variance.

**MOTION**

**2019-12-3-5A**

Roll Call

Aye: Carlile, Kubesh, Reynolds and Ross

Nay: None

Abstain: None

Absent: McClorey

Vacancy: None

*Motion Carries*

**Zoning Map Correction**

Assist Zoning Administrator Patrick Kilkenny reviewed his report in the agenda packet. The Planning Commission, at their October 21, 2019 meeting, reviewed the possible mapping error and moved to recommend the matter to the Zoning Board of Appeals as to the correctness of the zoning district map adopted in 2001. Given the facts that the boundary lines drawn in 2001 for the zoning districts in the area of the subject parcels were not consistent with existing land use and previous zoning designations; the parcels were created and used for residential purposes prior to the adoption of the 2001 map; the parcels have been classified and taxed as residential parcels since created; the topography and access to the parcels make any commercial development economically and physically

impractical; it is clearly evident that the map erroneously included parcels 15-051-302-001-60 and 15-051-302-001-65 within the commercial/industrial district. Based on board discussion, the lack of documentation for the reasoning for the inclusion into the RC/IND District, and the recommendation of the Planning Commission, **motion by Ross, seconded by Kubesh**, to correct the zoning map inconsistencies for parcels 15-051-302-001-60 and 15-051-302-001-65 which were erroneously mapped into the RC/IND and change the designation to Rural Estate District, and consider low density residential.

**2019-12-3-5B**

Roll Call

Aye: Carlile, Kubesh, Reynolds and Ross

Nay: None

Absent: McClorey

*Motion Carries*

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

None

None

**Good of the Order**

**Announcements**

The next meeting of the Boyne City Zoning Board of Appeals is scheduled for January 7, 2020 at 5:00 p.m.

**Adjournment  
MOTION**

**ZBA 2019-12-3-10**

**Carlile moved, Ross seconded, PASSED UNANIMOUSLY** a motion to adjourn the Tuesday, December 3, 2019 Boyne City Zoning Board of Appeals meeting at 5:31 p.m.

\_\_\_\_\_  
Pat Kubesh, Chair

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

CITY OF BOYNE CITY  
ZONING BOARD OF APPEALS

**PUBLIC NOTICE**

Notice is hereby given that, pursuant to rules and regulations as outlined in the Boyne City Zoning Ordinance Section 27.20, a public hearing will be held at a meeting of the Boyne City Zoning Board of Appeals on October 6, 2020 at 5:00 p.m. in the City Commission Chambers at 319 N. Lake Street, Boyne City, MI, to review and consider the following:

A non-use variance request from Jeff Langhart for parcel number 15-051-140-005-20 at 234 Ridge St. Boyne City, MI 49712. The applicant is requesting to expand an existing non-conforming structure by adding a 34'x40' addition onto the structure.

More details on this variance request are available for review at the Boyne City Planning Department, Monday through Friday, 7:30 a.m. through 4:30 p.m. All interested persons are encouraged to attend the public hearing and participate in the discussion. Any written input in regards to the request may be submitted to the City Planner's office until 5:00 p.m. on the day of the public hearing or at the public hearing. For further information visit the City Planner's office at 319 N. Lake Street, Boyne City, MI 49712, call (231) 582-0337 or e-mail [pkilkenny@boynecity.com](mailto:pkilkenny@boynecity.com).

## CITY OF BOYNE CITY

**To:** Chair Pat Kubesh and fellow ZBA members  
**From:** Patrick Kilkenny, Assistant Planning Director  
**Date:** October 6, 2020  
**Subject:** Variance Request at 234 Ridge St.



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### Background

The subject parcel is located at 234 Ridge St. Boyne City, MI 49712. The property is owned by Jeffrey Langhart and located in the Traditional Residential District (TRD).

Property Description: 15-051-140-005-20

In the City of Boyne City, Charlevoix County, Michigan, Part of Lots 5 and 6, and vacated alley, Block 20, all part of Hiram B. Chapman and WM. T. Addis Addition to Spring Harbor as recorded in Liber 1 of Plats, Pages 47-48 of Charlevoix County Records more particularly described as follows: Commencing at a ½" iron rod at the Southeast corner of Block 19 of said plat; thence along the North line of Ridge Street North 87°17'47" East (recorded as North 86°08'01" East), 18.86 feet to a ½" iron rod; thence continuing along said North line North 87°41'28" East, 14.11 feet (recorded as North 86°06'11" East, 14.14 feet) to a ½" iron rod at the centerline of vacated Escape Street as recorded in Liber 217, Pages 258-259; thence continuing along said North line North 87°41'28" East, 121.75 feet to a ½" iron rod being the POINT OF BEGINNING; thence North 3°21'26" West, 133.86 feet to a ½" iron rod on the North line of Lot 6; thence along the North line of Lot 6 North 87°15'24" East, 71.75 feet to the Northeast corner of Lot 6; thence continuing on the extension of the North line of Lot 6 North 87°15'24" East, 8.25 feet to a ½" iron rod at the centerline of the vacated alley as recorded in Liber 217, Pages 258-259; thence along said centerline South 3°21'26" East, 134.01 feet to a ½" iron rod on the North line of Ridge Street; thence along said North line South 87°22'01" West, 8.25 feet to the Southeast corner of Lot 5; thence continuing along said North line South 87°22'01" West, 71.76 feet to the Point of Beginning, being a part of Lots 5 and 6, and vacated alley, Block 20, Hiram B. Chapman and Wm. T. Addis Addition to Spring Harbor and containing 10715 square feet (0.246 acres). Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road, or highway purposes.

The parcel is approximately 17,970 sq. ft. in size and bounded by Ridge St., a public road to the south. The property currently contains an approximate 70'x40' nonconforming accessory building. Adjacent properties to the north, south and east are zoned TRD and are privately owned. The property to the west is zoned Community Service District (CSD), owned by the City of Boyne City and utilized as a dog park. (See attached area map for 234 Ridge St. Property Description: 15-051-140-005-20)

## **Discussion**

The TRD requires a minimum five foot (5') setback from the side lot line and fifteen foot (15') from the rear lot line. The existing accessory building encroaches into the required side yard (west) and rear yard (north).

Section 21.36(A)(1) Accessory Buildings and Structures states: "Accessory buildings, structures and uses are permitted only in connection with, incidental to and on the same lot with a principal building, structure or use. An accessory building, structure or use must be in the same zoning district as the principal building, structure or use on a lot."

Section 21.36(A)(7) Accessory Buildings and Structures states: "No accessory building shall be constructed upon or moved to any parcel of property until the principal building thereon, or intended to be placed thereon, is at least two-thirds (2/3) completed."

Section 21.36(B) Garages states: "In any residential district, no garage shall be erected closer to the side lot line than the permitted distance for the dwelling, unless the garage is completely to the rear of the dwelling, in which event the garage may be erected three (3) feet from any interior side lot line. No garage or portion thereof shall extend into the required front yard area. Attached garages of fireproof construction may be erected to extend beyond the front line of the house in those areas which are being developed according to a common plan that includes the construction of attached garages extending beyond the front line of the house, provided that such garages shall not encroach in or upon the minimum front yard area as required by this Ordinance."

Section 26.20(A) Nonconforming Uses of Structures states: "No existing structure devoted to a use not permitted by this Zoning Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located."

Section 26.25 Nonconforming Structures(A) states: "No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity. Should such structure be altered or modified so as to eliminate, remove or lessen any or all of its nonconforming characteristics, then such nonconforming characteristics shall not be later reestablished or increased."

The Zoning Board of Appeals application shows a request to construct a 34'x40' addition to south east side of the existing nonconforming accessory building.

## **Other factors**

The topography of the property is generally flat sloping slightly with a gradual rise from north to south.

On June 4, 2020 a Lot Division of Parcel 15-051-140-005-10 was approved (see attached memo, survey, and parcel descriptions). The Parcel Division created two lots as shown:

the transfer parcel 15-051-140-005-30 (currently vacant) and remainder parcel 15- 051-140-005-20 234 which currently contains the existing nonconforming accessory building.

On July 27, 2020 a Zoning Permit was approved for the construction of a single family residence with attached garage at 230 Ridge St. on the transfer parcel 15-051-140-005-30 (see attached zoning permit 2020-16).

**Summary**

The applicant is requesting a variance to construct a 34'x40' addition to an existing nonconforming accessory building.

The ZBA should review the enclosed information, visit the property, and apply the standards in the City of Boyne City Zoning Ordinance.

**Public Comment:**

9/22/2020 Letter of support from Haggard's Plumbing and Heating

**Please find enclosed in this packet the following exhibits:**

- A. Zoning Board of Appeals Application
- B. Area Map of Subject Property
- C. June 4, 2020 Parcel Division Application
- D. July 27, 2020 Zoning Permit 2020-16
- E. Section 21.36 Accessory Buildings and Structures; Section 26.20 Nonconforming Uses of Structures; Section 26.25 Nonconforming Structures
- F. Findings of Fact
- G. Public comment



## City of Boyne City

319 N. Lake Street

Boyne City, MI 49712-1188

231-582-0343

[www.boyne-city.com](http://www.boyne-city.com)

No Faxed Copies/Originals only

**ZONING BOARD OF APPEALS APPLICATION**

Owner Name: JEFF LANHAM  
 Address: 234 RIDGE ST 3748 Greenwood Island DR  
1025  
 Phone: 517.582.2058 E-mail: BOYNE@GMAIL.COM

Describe Variance Request: ADD STORAGE SPACE OF 34 X 40 ONTO THE  
SOUTH EAST CORNER OF DING

Property Street Address: 234 RIDGE ST  
 Nearest Intersection: CHANDLER  
 Property Tax ID #: 051-140-003-00 Zoning District: TRD  
 Legal Description of Property (attach separate sheet if necessary): \_\_\_\_\_

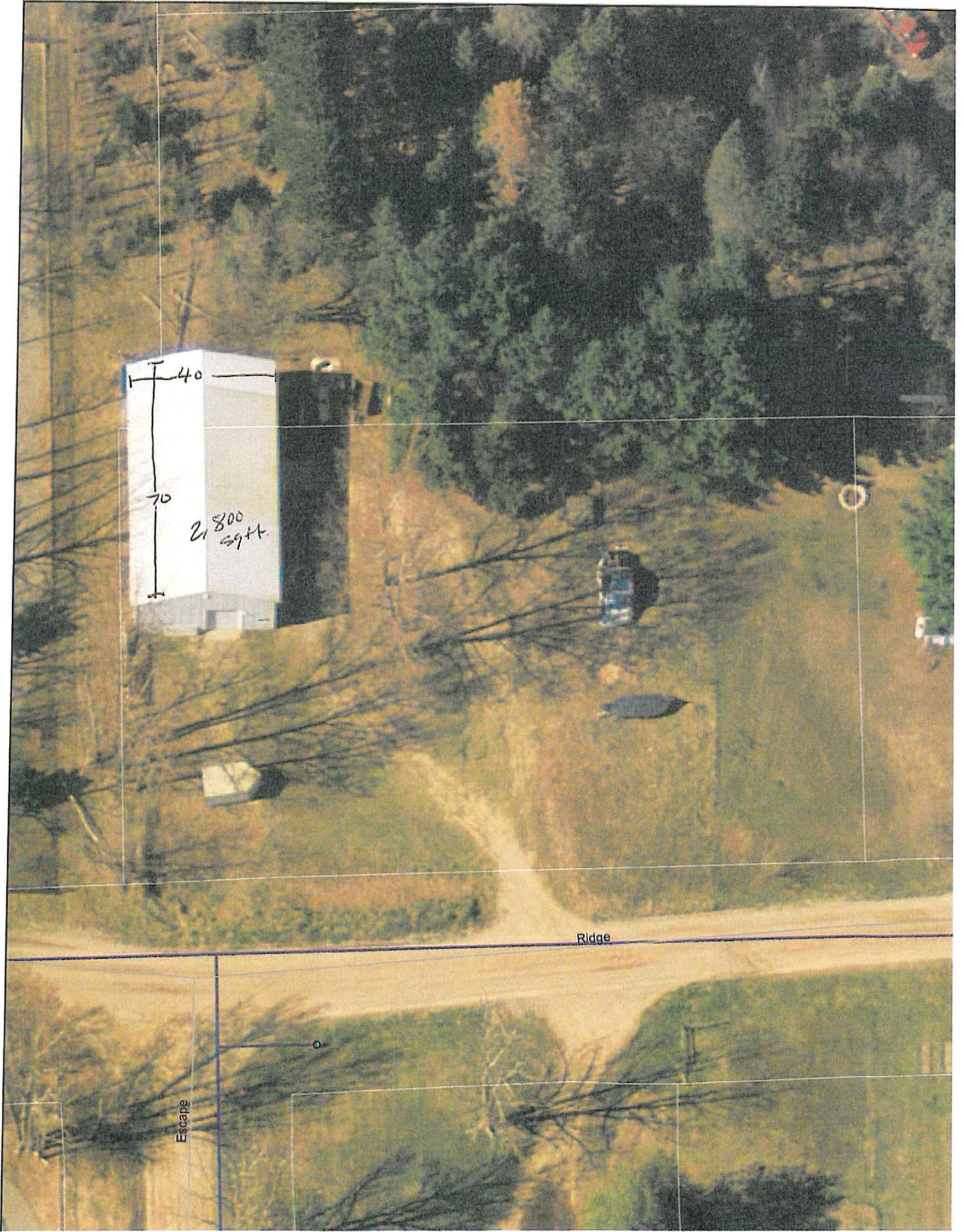
**Please attach:**

- 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 [Signature] Date 9-3-2020

This is to certify the required filing fee was received on 9-3-20 and documented with receipt number 122131. This application is scheduled for public hearing on 10-6-20.  
 Staff Initials PK



40  
70  
21800  
sqft.

Ridge

Escape



Picture of where  
addition would be  
located, southeast  
side @ front of Bldg



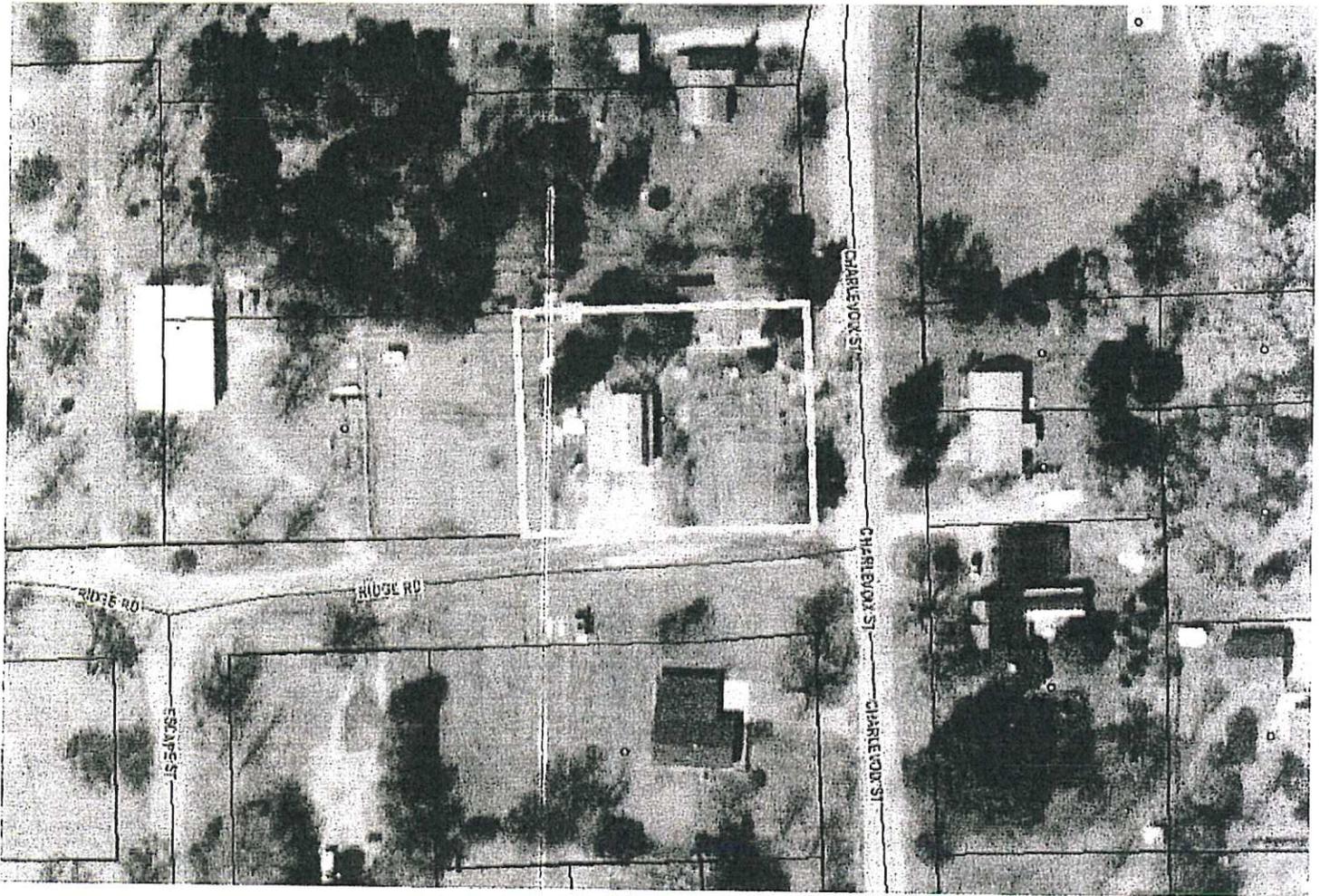
Trees that I would  
remove @ north end of  
property for additional  
Bldg. If not able to add  
to existing storage Bldg



this is the view  
to the west that will  
be completely blocked  
if storage Bldg is put  
next to house from his  
back yard.



I strongly feel this  
is not a good look  
and can be changed at  
my location.



**Digital Orthophotographs**

"The orthophotography provided was obtained for Charlevoix County during late April of 2010. The entire mainland portion of the County was acquired (including 343 square miles) and Beaver Island (including an additional 57 square miles) for a total covered area of 400 square miles or 256,000 acres. The prefix "ortho" in the word orthophotography implies that the scale of the photo is constant throughout the image. Therefore, if we take several measurements of the same distance between any points on the photo (digital image) you will find the same ground distance. Qualities of a traditional map are essentially conveyed to the digital image. We can therefore accurately measure area and distance simply by using the measurement tools provided in the web mapping display you currently are using to view the aerial imagery. For more information about this project and its technical details please contact the County GIS Coordinator."

-  90 US Feet
-  Digital Orthophotograph
-  County Border
-  Municipal Border
-  Municipal Name
-  Public Roads
-  Property Lines

| Name                     | Plat Date | Lots/Units | Section | Township | Range |
|--------------------------|-----------|------------|---------|----------|-------|
| CHAPMAN & ADDIS ADDITION |           |            | 27      | 33       | R     |

**Legal Information**

CITY OF BOYNE CITY HIRAM B CHAPMAN & WM T ADDIS ADD TO SPRING HARBOR LOTS 5 & 6 BLK 20 ALSO E 33 FT OF ESCAPE ST & W 1/2 OF ALLEY VACATED IN L 217 P 258 & 259 ABUTTING SD LOTS & ALSO: COM SE COR BLK 19 HIRAM B CHAPMAN & WM T ADDIS ADD TO SPRING HARBOR TH AL N LI RIDGE ST N86DEG08'01"E 18.86FT TO POB TH N3DEG23'56"W 133.58FT TH N86DEG00'57"E 11.53FT TO C/L OF FORMER ESCAPE ST TH AL SD C/L OF FORMER ESCAPE ST S4DEG31'13"E 133.61FT TO N LI RIDGE ST TH AL SD N LI RIDGE ST S86DEG08'01"W 14.14FT TO POB COMB ON 03/03/2010 FROM 051-140-005-00. 051-138-001-00



CITY OF BOYNE CITY

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

ZONING PERMIT APPLICATION

PERMIT NUMBER 2020-16

- Project Address 230 Ridge Street
Property ID Number (Tax Code Number) 15-051-140 -005 -10
Property Owner 230 RIDGE ST LLC Phone 517-592-2058
Address 230 RIDGE ST
City Boyne State MI Zip 49712
Contractor OWNED Phone SAME
Address 3748 Goldenwood Bend Dr
City Boyne State MI Zip 49712

Proposed Use Residential Home

Area of Lot (Square feet/Acres) 80 x 135 (10,800) Construction Costs 150 K

Zoning District TRD

Has a variance been granted for the proposed work? yes no X If so, what is file #?

Applicant: The information provided is accurate to the best of my knowledge. I certify that all property and corners have been clearly staked and flagged and that all construction will conform with the Boyne City Zoning Ordinance and with the description contained in the application and site plan.

Signature of Applicant: [Signature] Date: 7-23-2020
Signature of Property Owner: [Signature] Date: 7-23-2020

This is to certify the required permit fee was received on 7-27-20

Receipt Number: 120702

Approved: [X] Yes [ ] No

[Signature]
Signature of Zoning Administrator:

NOTES:

**Section 27.45 Standards for Non-use Variances.** (effective 4-28-2010)

- A. The Zoning Board of Appeals may authorize, upon an appeal, a non-use variance from the strict application of any provision of this Zoning Ordinance where, by reason of exceptional irregularity, narrowness, shallowness, shape, or area of a specific piece of property at the time of enactment of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of this Zoning Ordinance would result in peculiar or exceptional practical difficulties upon the owner of such property.
- B. In hearing and deciding appeals for non-use 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 Ordinance 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 non-use variance if it finds an application does not meet all of the above listed criteria for determining whether or not a practical difficulty exists.

**Section 27.50 Standards for Use Variances.** (effective 4-28-2010)

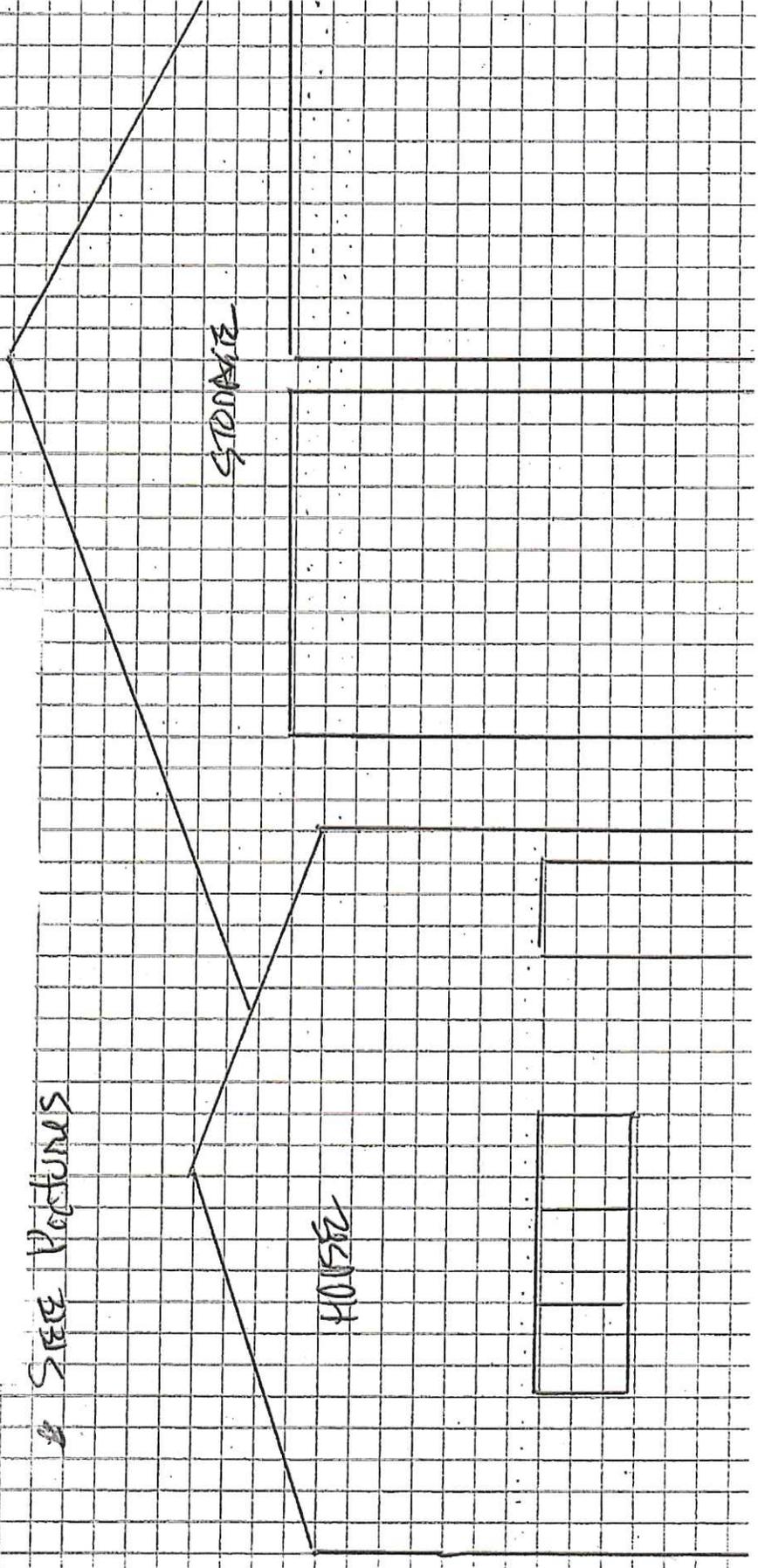
In consideration of variances from the allowed uses as prescribed by this Ordinance, the Zoning Board of Appeals shall, first determine that the proposed variation from use affirmatively meets all of the following general standards for unnecessary hardship:

- A. The proposed variation involves exceptional circumstances not found in other areas of the same zoning district.
- B. The proposed variation will be in harmony with the general purposes and intent of this Zoning Ordinance, and the Comprehensive Plan.
- C. The proposed variation will not in any respect impair the public health, safety, comfort or welfare of the inhabitants of the City.
- D. The proposed use will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood.
- E. The proposed use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle contact in residentially zoned districts.
- F. The location, size, intensity, site layout and periods of operation of such proposed use will be designed to eliminate any possible nuisance emanating therefrom, which nuisance might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
- G. The location and height of buildings or structures and the location, nature and height of walls and fences will be such that the proposed use will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

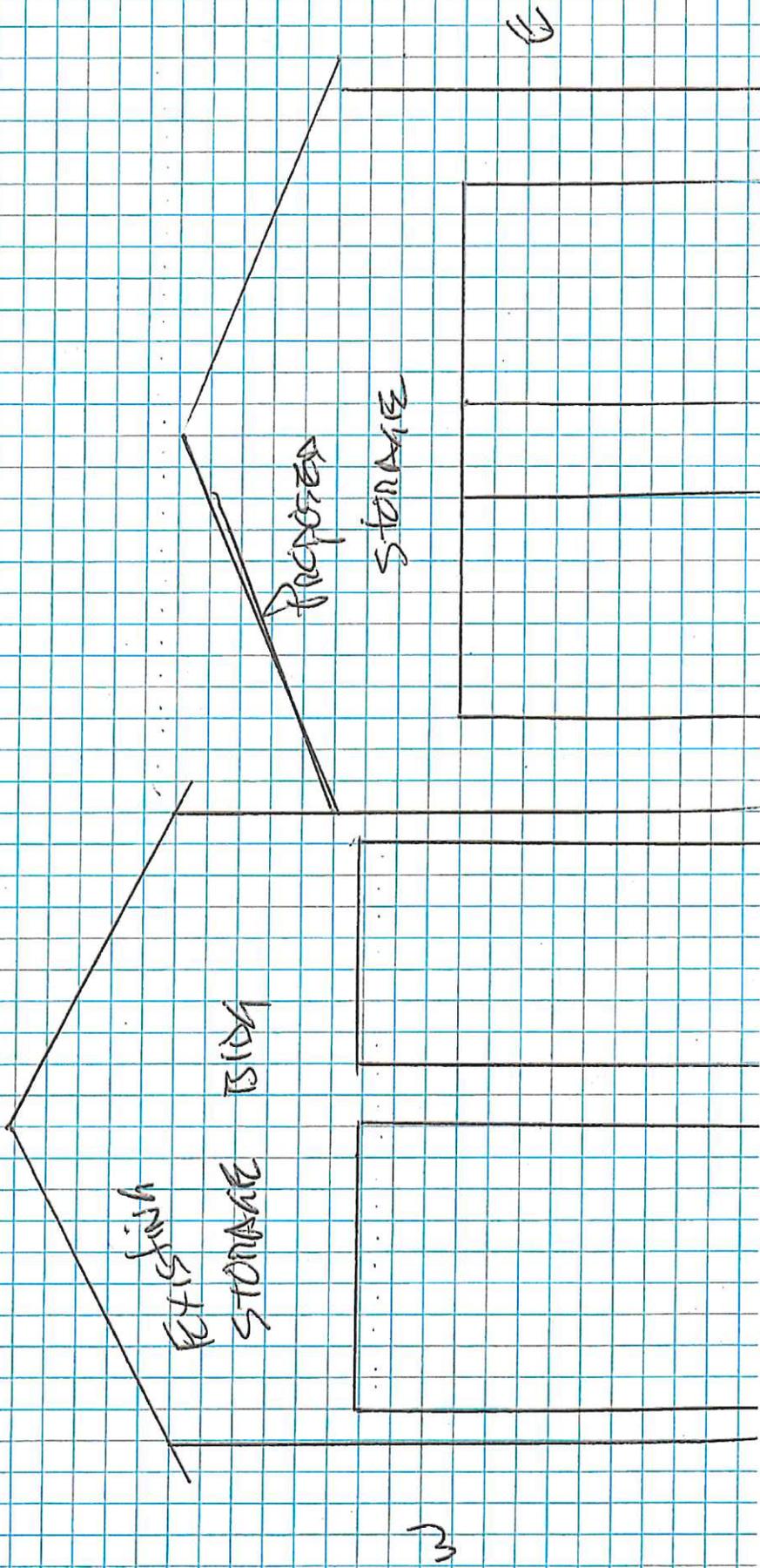
\* This is what house will look like from the south or road,

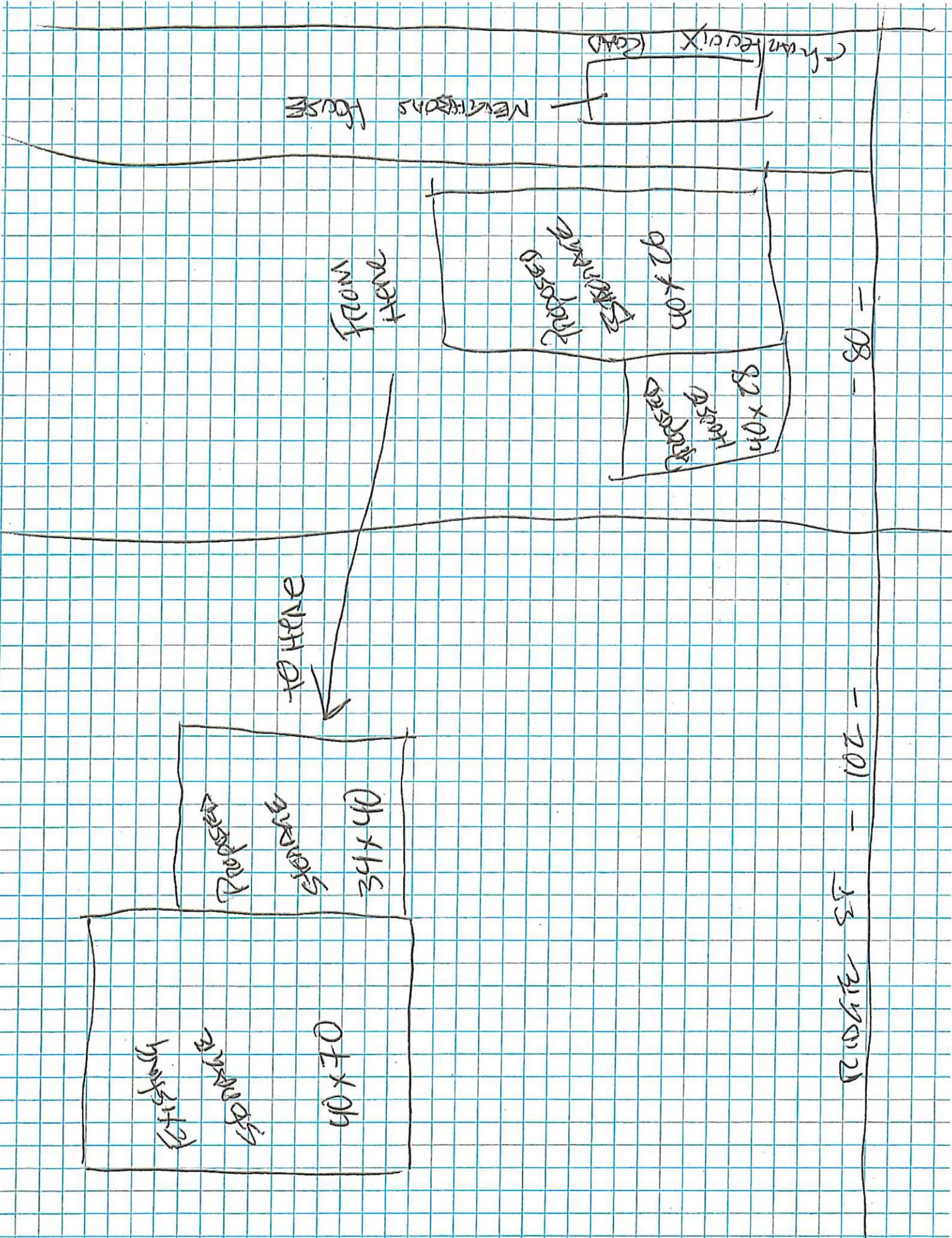
\* Completely blocks my neighbors view to the west,

SEE PICTURES



# PROPOSED SOUTH VIEW

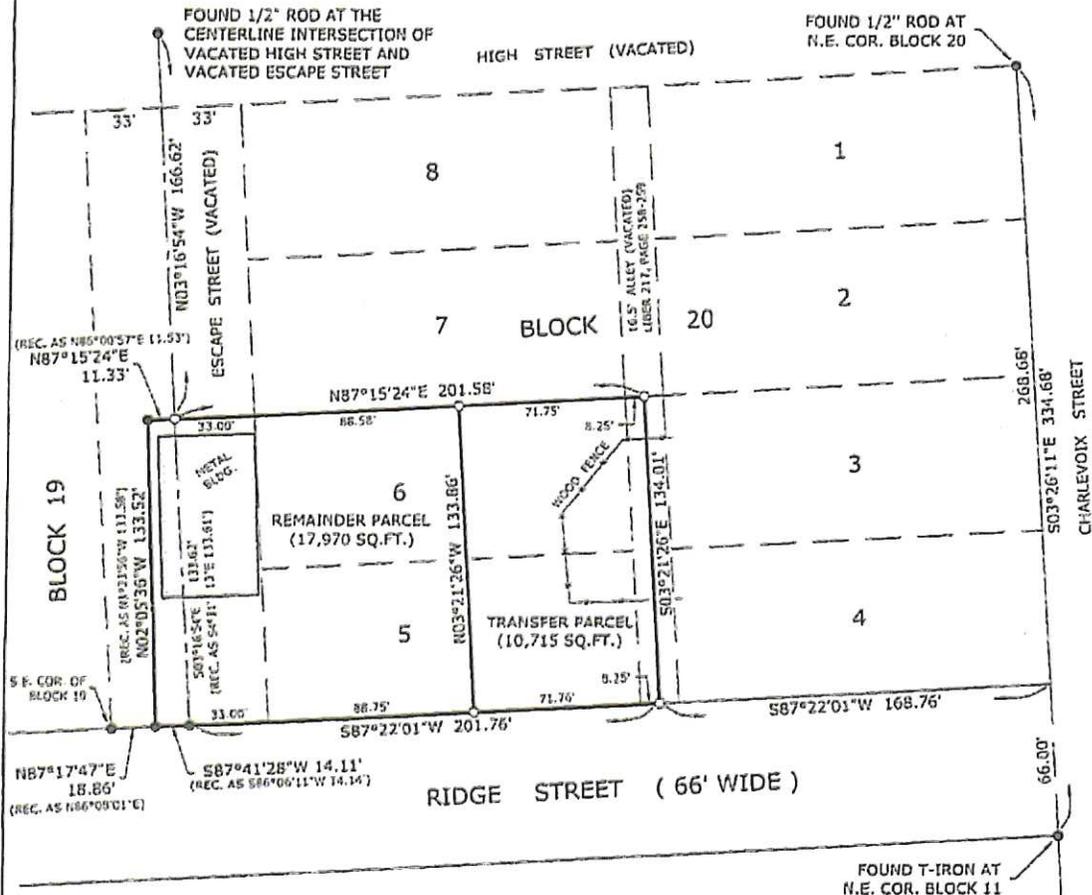




**CERTIFICATE OF BOUNDARY SURVEY**

FOR: JEFF LANGHART

LOTS 5 & 6, & PART OF  
 VACATED ALLEY IN BLOCK 20, &  
 PART OF VACATED ESCAPE STREET  
 HIRAM B. CHAPMAN & WM. T. ADDIS  
 ADDITION TO SPRING HARBOR  
 CITY OF BOYNE CITY, CHARLEVOIX COUNTY, MICHIGAN



NORTH



**LEGEND:**

1. ALL DIMENSIONS ARE IN FEET.
2. - ○ - INDICATES IRON STAKE IN PLACE FROM PRIOR SURVEY UNLESS NOTED OTHERWISE.
3. - ○ - INDICATES SET 1/2" RE-ROD WITH I.D. CAP.
4. - ○ - INDICATES CONCRETE MONUMENT FOUND IN PLACE FROM PRIOR SURVEY.
5. BEARINGS ARE RELATED TO MICHIGAN COORDINATE SYSTEM, CENTRAL ZONE (MAD 1983).



*Scott A. Papineau*

SCOTT A. PAPINEAU P.S. 50446

I HEREBY CERTIFY that I have surveyed and mapped the parcels hereon described and that the relative positional precision of each corner is within the limits accepted by the practice of professional surveying and that all the requirements of P.A. 132 of 1970, as amended, have been complied with.

|                   |                    |            |
|-------------------|--------------------|------------|
| FIELD: JT         | STAKED: JT         | DRAWN: DDH |
| JOB: SB 27739c.20 | DATE: MAY 21, 2020 |            |

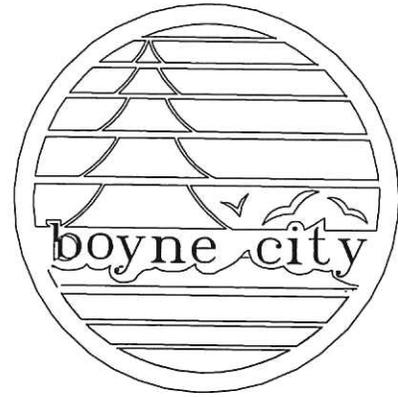
This survey plat was prepared for the exclusive use of the person, persons, or entity named in the certification hereon. Said certificate does not extend to any unnamed third person without an express recertification by the surveyor naming said third person. SHEET 1 OF 2

**FERGUSON & CHAMBERLAIN ASSOCIATES, INC.**  
 PROFESSIONAL SURVEYORS  
 103 W. UPRIGHT STREET, CHARLEVOIX, MICHIGAN 49720  
 (231) 547-6882 - FAX (231) 547-0021  
 EMAIL: info @ fcasurveying.com



**CITY OF BOYNE CITY**

**To:** Cindy Grice, City Clerk  
**From:** Scott McPherson, Planning Director  
**Cc:** City Assessor  
**Date:** June 4, 2020  
**Subject:** Lot Division of Parcel 15-051-140-005-10



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**Background Information**

The subject parcel is Lots 5 & 6 & Part of Vacated Alley in Block 20 & Part of Vacated Escape Street Hiram B. Chapman & WM. T. Addis Addition to Spring Harbor, City of Boyne City Charlevoix County, Michigan. As shown on the provided survey produced by Ferguson and Chamberlain Associates dated May 21, 2020, job number SB 27739c.20, the proposed lot division would split 10,715 square feet from parcel 15-051-140-005-10, reducing it to 17,970 square feet. The existing and newly created parcel is located in the Traditional Residential District (TRD).

**Setbacks**

Setbacks for the WRD zoning district are per the requirements of Section 20.20 of the Boyne City Zoning Ordinance and the location of the new parcel lines resulting from the proposed division is in conformance with all applicable setback requirements.

**Lot Area and Coverage**

Lot area and coverage for the TRD zoning district are per the requirements of Section 20.20 of the Boyne City Zoning Ordinance and the lot area of the parcels resulting from the proposed land division are in conformance with all applicable lot area and coverage requirements.

**Process**

In accordance with the City of Boyne City Lot Reconfigurations or Adjustments ordinance the Planning Director shall review and make determination on lot reconfiguration and adjustments in accordance with the procedures and standards of the Ordinance.

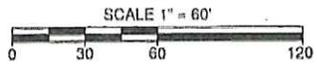
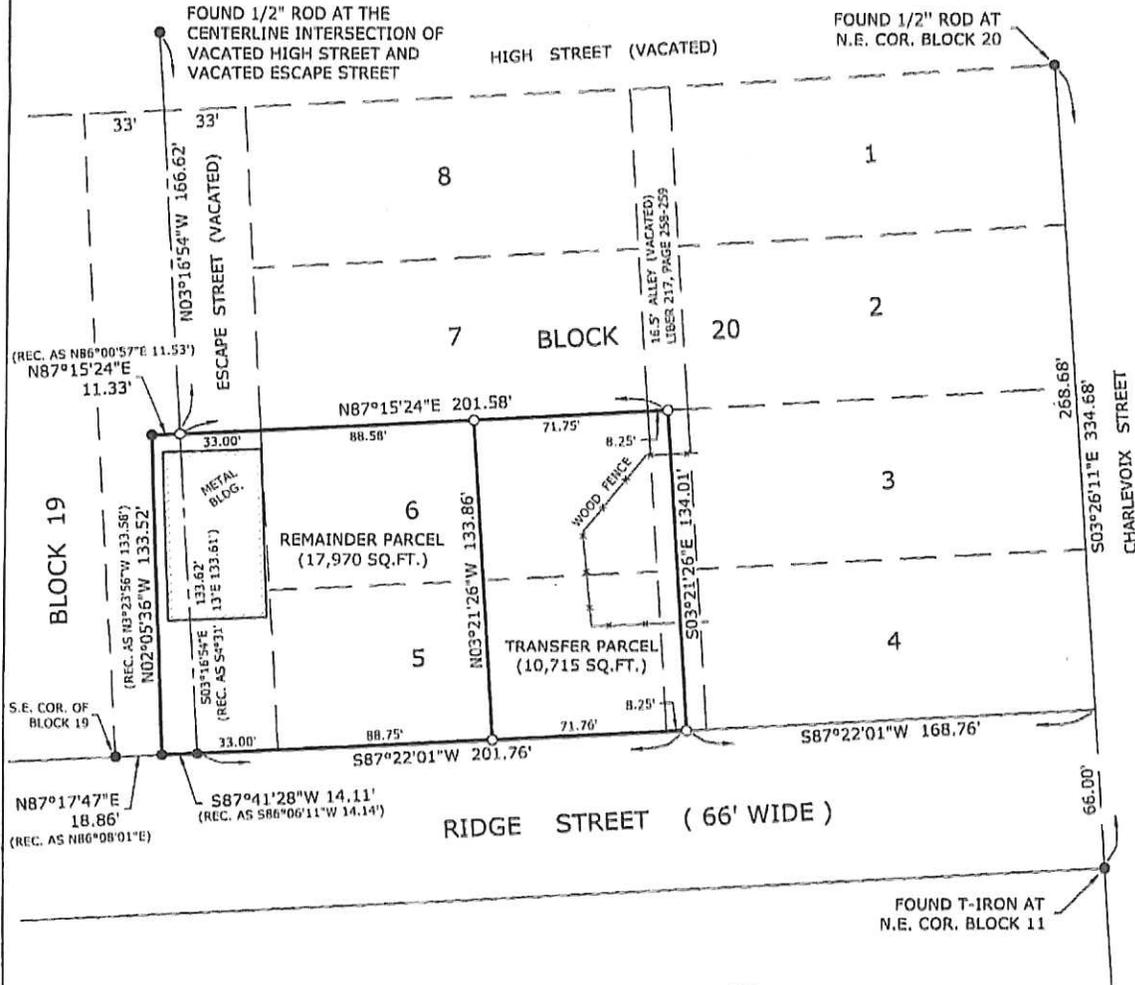
**Determination**

As the proposed application is complete and the proposed reconfiguration meets all criteria of the City of Boyne City Lot Reconfigurations or Adjustments Ordinance the lot division as proposed is approved.

# CERTIFICATE OF BOUNDARY SURVEY

FOR: JEFF LANGHART

LOTS 5 & 6, & PART OF  
 VACATED ALLEY IN BLOCK 20, &  
 PART OF VACATED ESCAPE STREET  
 HIRAM B. CHAPMAN & WM. T. ADDIS  
 ADDITION TO SPRING HARBOR  
 CITY OF BOYNE CITY, CHARLEVOIX COUNTY, MICHIGAN



- LEGEND:**
1. ALL DIMENSIONS ARE IN FEET.
  2. " ● " INDICATES IRON STAKE IN PLACE FROM PRIOR SURVEY UNLESS NOTED OTHERWISE.
  3. " ○ " INDICATES SET 1/2" RE-ROD WITH I.D. CAP.
  4. " ⊗ " INDICATES CONCRETE MONUMENT FOUND IN PLACE FROM PRIOR SURVEY.
  5. BEARINGS ARE RELATED TO MICHIGAN COORDINATE SYSTEM, CENTRAL ZONE (NAD 1983).



*Scott A. Papineau*

SCOTT A. PAPINEAU P.S. 50446

I HEREBY CERTIFY that I have surveyed and mapped the parcels hereon described and that the relative positional precision of each corner is within the limits accepted by the practice of professional surveying and that all the requirements of P.A. 132 of 1970, as amended, have been complied with.

This survey plat was prepared for the exclusive use of the person, persons, or entity named in the certification hereon. Said certificate does not extend to any unnamed third person without an express recertification by the surveyor naming said third person. SHEET 1 OF 2

**FERGUSON & CHAMBERLAIN ASSOCIATES, INC.**  
 PROFESSIONAL SURVEYORS  
 103 W. UPRIGHT STREET, CHARLEVOIX, MICHIGAN 49720  
 (231) 547-6882 - FAX (231) 547-0021  
 EMAIL: info @ fcasurveying.com

|                   |                    |            |
|-------------------|--------------------|------------|
| FIELD: JT         | STAKED: JT         | DRAWN: DDH |
| JOB: SB 27739c.20 | DATE: MAY 21, 2020 |            |

May 21, 2020

Job No. SB-27739C-20

Legal Description for: James Jeffrey Langhart

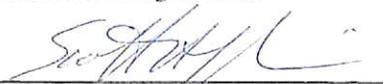
Remainder Parcel

In the City of Boyne City, Charlevoix County, Michigan, Part of Lots 5 and 6, and vacated Escape Street, Block 20, all part of Hiram B. Chapman and WM. T. Addis Addition to Spring Harbor as recorded in Liber 1 of Plats, Pages 47-48 of Charlevoix County Records more particularly described as follows: Commencing at a ½" iron rod at the Southeast corner of Block 19 of said plat; thence along the North line of Ridge Street North 87°17'47" East (recorded as North 86°08'01" East), 18.86 feet to a ½" iron rod being the POINT OF BEGINNING; thence North 2°05'36" West, 133.52 feet (recorded as North 3°23'56" West, 133.58 feet) to a ½" iron rod; thence along the extension of the North line of Lot 6 North 87°15'24" East, 11.33 feet (recorded as North 86°00'57" East, 11.53 feet) to a ½" iron rod at the centerline of vacated Escape Street as recorded in Liber 217, Pages 258-259; thence continuing on said extension North 87°15'24" East, 33.00 feet to the Northwest corner of Lot 6; thence continuing along the North line of Lot 6 North 87°15'24" East, 88.58 feet to a ½" iron rod; thence leaving said North line South 3°21'26" East, 133.86 feet to a ½" iron rod on the South line of Lot 5, also being the North line of Ridge Street; thence along the North line of Ridge Street South 87°22'01" West, 88.75 feet to the Southwest corner of Lot 5; thence continuing on the North line of Ridge Street South 87°22'01" West, 33.00 feet to a ½" iron rod at the centerline of said vacated Escape Street; thence continuing South 87°41'28" West, 14.11 feet (recorded as South 86°06'11" West, 14.14 feet) to the Point of Beginning, being a part of Lots 5 and 6, and vacated Escape Street, Block 20, Hiram B. Chapman and Wm. T. Addis Addition to Spring Harbor and containing 17970 square feet (0.412 acres). Subject to the rights of the public and of any governmental unit in any part thereof taken, used or dedeed for street, road, or highway purposes.

Transfer Parcel

In the City of Boyne City, Charlevoix County, Michigan, Part of Lots 5 and 6, and vacated alley, Block 20, all part of Hiram B. Chapman and WM. T. Addis Addition to Spring Harbor as recorded in Liber 1 of Plats, Pages 47-48 of Charlevoix County Records more particularly described as follows: Commencing at a ½" iron rod at the Southeast corner of Block 19 of said plat; thence along the North line of Ridge Street North 87°17'47" East (recorded as North 86°08'01" East), 18.86 feet to a ½" iron rod; thence continuing along said North line North 87°41'28" East, 14.11 feet (recorded as North 86°06'11" East, 14.14 feet) to a ½" iron rod at the centerline of vacated Escape Street as recorded in Liber 217, Pages 258-259; thence continuing along said North line North 87°41'28" East, 121.75 feet to a ½" iron rod being the POINT OF BEGINNING; thence North 3°21'26" West, 133.86 feet to a ½" iron rod on the North line of Lot 6; thence along the North line of Lot 6 North 87°15'24" East, 71.75 feet to the Northeast corner of Lot 6; thence continuing on the extension of the North line of Lot 6 North 87°15'24" East, 8.25 feet to a ½" iron rod at the centerline of the vacated alley as recorded in Liber 217, Pages 258-259; thence along said centerline South 3°21'26" East, 134.01 feet to a ½" iron rod on the North line of Ridge Street; thence along said North line South 87°22'01" West, 8.25 feet to the Southeast corner of Lot 5; thence continuing along said North line South 87°22'01" West, 71.76 feet to the Point of Beginning, being a part of Lots 5 and 6, and vacated alley, Block 20, Hiram B. Chapman and Wm. T. Addis Addition to Spring Harbor and containing 10715 square feet (0.246 acres). Subject to the rights of the public and of any governmental unit in any part thereof taken, used or dedeed for street, road, or highway purposes.

Prepared by:  
 Ferguson & Chamberlain Associates, Inc.  
 103 West Upright Street  
 Charlevoix, Michigan 49720



Scott A. Papineau, P.S. No. 50446





**CITY OF BOYNE CITY**

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

**PARCEL DIVISION/  
LOT RECONFIGURATION  
APPLICATION**

➡ **Applicant Name:** JAMES J LANGHART  
**Street Address:** 3748 GLENWOOD BEACH DR  
**City:** BOYNE **State:** MI **Zip-Code:** 49712  
**Phone Number (s):** 517-582-2058 **E-mail:** Boyne1023@gmail

➡ **Property Owner's Name:** JAMES J LANGHART  
**Street Address:** ~~234 RIDGE ST~~ 3748 GLENWOOD BEACH DR  
**City:** Boyne **State:** MI **Zip-Code:** 49712  
**Phone Number (s):** 517-582-2058

➡ **Parent Parcel Location:** Street Address: 234 RIDGE ST  
**Property ID Number:** 15-051-140-005-10

Request is for: Parcel Division Lot Reconfiguration  
Zoning District: \_\_\_\_\_ Present Parcel Size: 37,414  
Parcel Area to be Reconfigured or Divided from Parent Parcel: 10,681 Parcel Area of Remainder 26,733  
Number of New Parcels Created 1 Number of Divisions Conveyed \_\_\_\_\_ Previous Divisions \_\_\_\_\_  
Purpose of Proposed Parcel Division/Reconfiguration HOUSE

JAMES J LANGHART [Signature] 5/28/2020  
**Applicant (Printed Name)** **Signature** **Date**  
JAMES J LANGHART [Signature] 5/28/2020  
**Property Owner (Printed Name)** **Signature** **Date**

- The following must be submitted prior to consideration of final approval:
- One copy of proof of ownership of parent parcel including legal description.
  - One copy of a certified survey of the proposed parcel division or lot reconfigurations and remaining parent parcel.
  - One copy of the proposed legal descriptions of the proposed parcel division or lot reconfiguration and remaining parcel.
  - One application form and filing fee.

This is to certify the required filing fee was received on \_\_\_\_\_ Receipt Number \_\_\_\_\_  
\_\_\_\_\_**APPROVED** \_\_\_\_\_**DENIED** \_\_\_\_\_  
\_\_\_\_\_**Zoning Administrator** \_\_\_\_\_**Date** \_\_\_\_\_



CITY OF BOYNE CITY

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

ZONING PERMIT APPLICATION

PERMIT NUMBER 2020-16

- Project Address 230 Ridge Street
- Property ID Number (Tax Code Number) 15-051-140 -005 -10  
Part of
- Property Owner 230 RIDGE ST LLC Phone 517-592-2058
- Address 230 RIDGE ST
- City Boyne State MI Zip 49712
- Contractor OWNED Phone SAME
- Address 3748 STEWART BENCH DR
- City Boyne State MI Zip 49712

Proposed Use RESIDENTIAL HOME

Area of Lot (Square feet/Acres) 80 x 135 (10,800) Construction Costs 150 K

Zoning District TRD

Has a variance been granted for the proposed work? yes  no  If so, what is file #? \_\_\_\_\_

**Applicant:** The information provided is accurate to the best of my knowledge. I certify that all property and corners have been clearly staked and flagged and that all construction will conform with the Boyne City Zoning Ordinance and with the description contained in the application and site plan. All materials included with this application hereby become part of this application. Furthermore, 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. Applicant/landowner shall be responsible for movement of footing placement when not found in conformance with property zoning and/or required setbacks from the roads and property boundaries.

Signature of Applicant: [Signature] Date: 7-23-2020

Signature of Property Owner: [Signature] Date: 7-23-2020

This is to certify the required permit fee was received on 7-27-20

Receipt Number: 120702

Approved:  Yes  No

[Signature]  
Signature of Zoning Administrator:

NOTES:

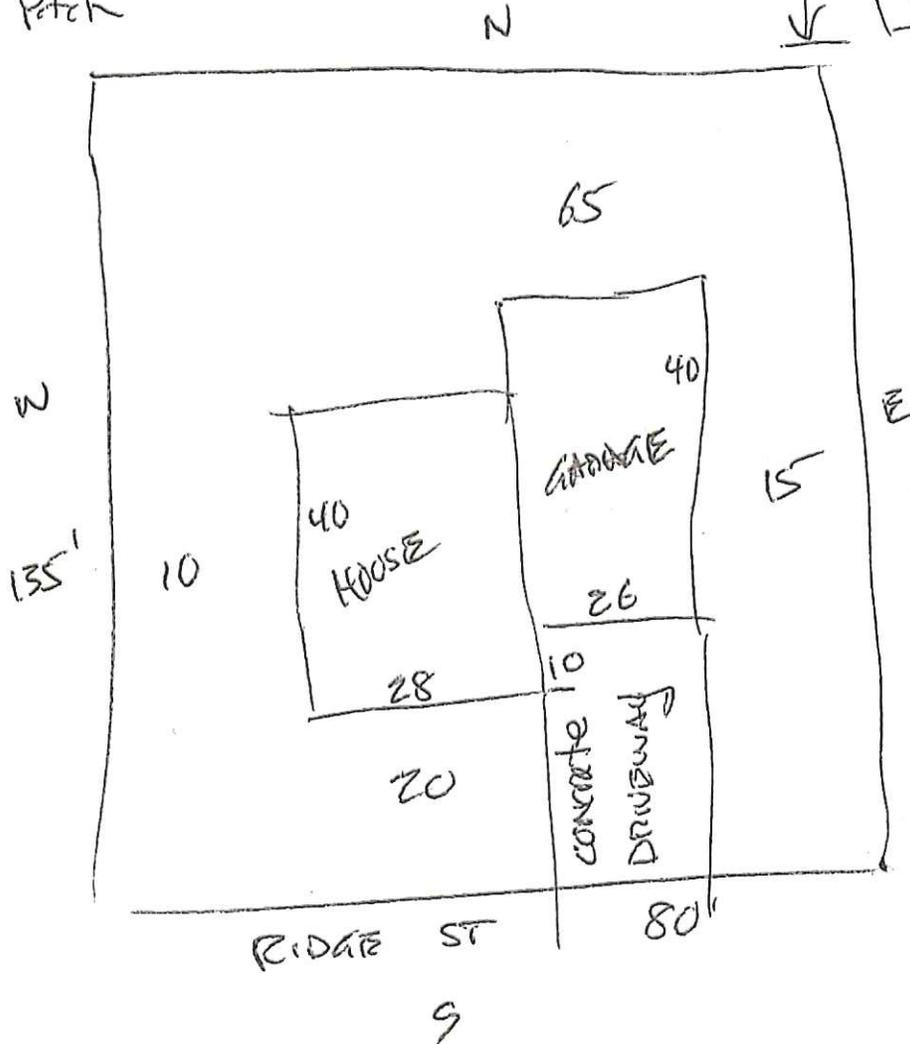
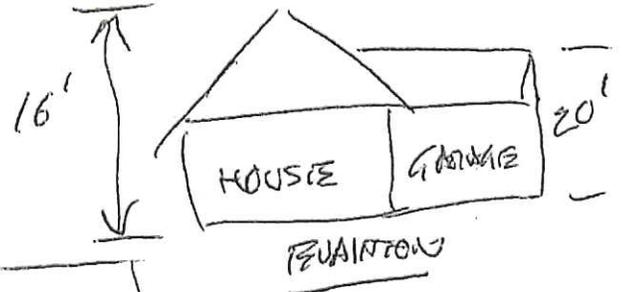
**PLAN SKETCH**

(Or attach a copy of your survey with the proposed structure)

Please Draw a Sketch Below Indicating:

- 1) Proposed Structure
- 2) Distance from Front Property Line
- 3) Distance from Rear Property Line
- 4) Distance from Side Property Line (left & right)
- 5) Locations of all Other Structures on Property
- 6) Driveway
- 7) Any rivers, creeks, streams, swamps or waterways

- 1) STRUCTURE 28x40, GARAGE 26x40 ATTACHED
- 2) 20 FEET
- 3) 65 FEET
- 4) L-10 R-15
- 5) ∅
- 6) 60x30
- 7) ∅
- 8) 5/12 Pitch



**Section 21.36 Accessory Buildings And Structures.**

Accessory buildings and structures, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

A. General Standards. (amended: September 29, 2011)

1. Accessory buildings, structures and uses are permitted only in connection with, incidental to and on the same lot with a principal building, structure or use. An accessory building, structure or use must be in the same zoning district as the principal building, structure or use on a lot.
2. No accessory building, structure or use shall be occupied or utilized unless the principal structure is occupied or utilized. No accessory building, structure or use may be placed on a lot without a principal building, structure or use.
3. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main or principal buildings.
4. An accessory building shall not exceed twenty (20) feet in height and may occupy not more than the ground floor area of the principal building.
5. In any residential district, accessory buildings shall not be erected closer to the side lot line than the required setback distance for the dwelling, unless the accessory building is completely to the rear of the dwelling, in which event the accessory building may be erected three (3) feet from any side or rear lot line
6. In the case of double frontage lots or corner lots, accessory buildings shall observe front setback requirements on all street frontages.
7. No accessory building shall be constructed upon or moved to any parcel of property until the principal building thereon, or intended to be placed thereon, is at least two-thirds (2/3) completed.

- B. Garages. In any residential district, no garage shall be erected closer to the side lot line than the permitted distance for the dwelling, unless the garage is completely to the rear of the dwelling, in which event the garage may be erected three (3) feet from any interior side lot line. No garage or portion thereof shall extend into the required front yard area. Attached garages of fireproof construction may be erected to extend beyond the front line of the house in those areas which are being developed according to a common plan that includes the construction of attached garages extending beyond the front line of the house, provided that such garages shall not encroach in or upon the minimum front yard area as required by this Ordinance.

No garage, utility building or accessory building shall be constructed upon or moved to any parcel of property until the principal building thereon, or intended to be placed thereon, is at least two-thirds (2/3) completed.

- C. Mechanical Equipment. Mechanical equipment, such as blowers, ventilating fans and air conditioning units, shall be placed not closer than three (3) feet to any lot line in any business district, and not closer than twelve (12) feet to any lot line in all other districts.
- D. Flagpoles. Flagpoles in single-family residential districts shall be not exceed forty (40) feet in height and may be illuminated provided the source of illumination is designed, located, and shielded to prevent glare onto adjacent properties, and shall be arranged to prevent adverse affects on motorist visibility on adjacent rights-of-way.

Flagpoles in other than single-family residential districts shall not exceed one-hundred (100) feet in height and may be illuminated provided the source of illumination is designed, located, and shielded to prevent glare onto adjacent properties, and shall be arranged to prevent adverse affects on motorist visibility on adjacent rights-of-way.

**Section 21.38 Accessory Uses And Buildings in Business And Industrial Districts.**

In business and industrial districts, accessory buildings and uses may occupy any of the ground area which the principal buildings is permitted to cover. Accessory buildings such as buildings for parking attendant, guard shelters, gate houses and transformer buildings may be located in the front or side yard of industrial districts.

**Section 21.40 Zoning Permits Issued Prior to Effective Date.**

Any building or structure for which a zoning permit has been issued and the construction of the whole or a part of which has been entered into pursuant to a building permit issued prior to the effective date of this Ordinance may be completed and used in accordance with the plans and applications on which said building permit was granted.

A building which is lawfully under construction at the time of adoption of this Ordinance shall be allowed to be completed within one (1) year of the passage of this Ordinance. Adoption of this Ordinance shall not require any changes to the plans, construction or designated use of any such buildings.

**Section 21.42 Restoration of Unsafe Buildings.**

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Planning Director, or required compliance with his or her lawful order.

rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the structure involved.

**Section 26.15 Nonconforming Uses of Land.**

Where, on the passage date of this Zoning Ordinance, or on the passage date of any future amendments which may be made to this Zoning Ordinance, a lawful use of land exists, which uses would not be permitted or prohibited, regulated, restricted, or otherwise unlawful by the regulations imposed by this Zoning Ordinance, the use may be continued so long as it remains otherwise lawful provided:

- A. No such nonconforming use shall be enlarged, increased or extended to occupy a greater area of land than was occupied on the effective date of this Zoning Ordinance, or on the effective date of any future amendments which may be made to this Zoning Ordinance.
- B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that portion occupied by such use on the effective date of this Zoning Ordinance, or on the effective date of any future amendments which may be made to this Zoning Ordinance.
- C. If any such nonconforming use of land ceases for any reason for a period of more than one (1) year, such land shall conform to the regulations specified by this Zoning Ordinance for the district in which such land is located.
- D. Those alleged nonconforming uses which cannot be proved to have been legally existing prior to the effective date of this Zoning Ordinance, or on the effective date of any future amendments which may be made to this Zoning Ordinance, shall be declared illegal nonconforming uses and shall be discontinued following such effective date.
- E. No additional structure not conforming to this Zoning Ordinance shall be erected in connection with such nonconforming use of land.

**Section 26.20 Nonconforming Uses of Structures.**

If a lawful use involving an individual structure, or a structure and premises in combination, exists on the effective date of this Zoning Ordinance, or on the effective date of any future amendments which may be made to this Zoning Ordinance, which use would not be allowed in the district in which it is located under this Zoning Ordinance, the lawful use may be continued so long as it remains otherwise, lawful, subject to the following:

- A. No existing structure devoted to a use not permitted by this Zoning Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any part of a building which was manifestly arranged, designed, or designated for such use at the time of adoption of this

- Zoning Ordinance, or at the time of adoption of any future amendments which may be made to this Zoning Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use, provided the Planning Commission determines that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Whenever a nonconforming use has been changed to a conforming use, or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use.
  - D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
  - E. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or ceases for one (1) year, or for a total of twelve (12) months during any two (2) year period, the structure, or structure and premises in combination, shall not thereafter be used, except in conformance with the regulations of the zoning district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
  - F. Where a nonconforming use status applies to a structure and premises in combination, the removal or destruction of the entire structure, shall eliminate the nonconforming status of the land.

**Section 26.25 Nonconforming Structures.**

Where a lawful structure exists on the effective date of this Zoning Ordinance, or on the effective date of any future amendments which may be made to this Zoning Ordinance, which structure could not be built under this Zoning Ordinance by reasons of restrictions on area, lot coverage, height, yards, its location on the lot or other requirements concerning the structure, such structure may be continued as long as it remains otherwise lawful, subject to the following:

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity. Should such structure be altered or modified so as to eliminate, remove or lessen any or all of its nonconforming characteristics, then such nonconforming characteristics shall not be later reestablished or increased.
- B. If such structure is moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- C. If any such nonconforming structure ceases being used for any reason for a period of more than one (1) year, any subsequent use of such structure shall conform to the regulations specified in this Zoning Ordinance for the district in which such structure is located.

- D. Should such structure be destroyed by any means to an extent greater than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this article.
  
- E. A residential nonconforming structure may be allowed to expand provided the expansion does not increase the size of the established footprint, or the expansion is within a yard which retains compliance with the required setback and height (e.g. a home with a nonconforming front yard setback may be expanded in the rear so long as the rear yard setback remains conforming). Provided further that the following criteria are met for the subject structure:
  - 1. The cost of such work shall not exceed fifty percent (50%) of the market value of such residential structure prior to the time such work is started.
  - 2. The only nonconforming situation on the parcel shall be dimensional ones related to the house and/or garage.
  - 3. Any other expansion shall be prohibited unless a variance is granted by the Zoning Board of Appeals.

**Section 26.30 Nonconforming Lots of Record.**

- A. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Zoning Ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record on the effective date of this Zoning Ordinance, provided such lot is located in a block on which fifty-one percent (51%) or more of the lots on both sides of the street are occupied by single-family dwellings. Where fifty-one percent (51%) or more of the existing homes are built upon a larger lot or combination of lots, a building permit will not be granted for a lot of less area or width than the size of the lots of the majority of the dwellings existing on the passage date of this Zoning Ordinance.
  
- B. In those areas where less than fifty-one percent (51%) of the lots are built upon in a one (1) block area, the provisions regarding the use of combined lots shall apply.
  
- C. Permission to use a single nonconforming lot as provided in this section shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district. However, yard dimensions and other requirements, not involving lot area or lot width, or both, shall conform to the regulations for the district in which the lot is located.
  
- D. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record on the passage date of this Zoning Ordinance, and if all or part of the lots does not meet the requirements for lot width and area as established by this Zoning Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Zoning Ordinance. No portion of such parcel shall be used or occupied,

**BOYNE CITY  
ZONING BOARD OF APPEALS**

**APPLICANT INFORMATION**

**APPLICANT:**       **Jeffrey Langhart**  
                           **3748 Glenwood Beach Dr.**  
                           **Boyne City, MI 49712**

**HEARING DATE:**   **October 6, 2020**

**PROPERTY DESCRIPTION**

Property Description: 15-051-140-005-20

In the City of Boyne City, Charlevoix County, Michigan, Part of Lots 5 and 6, and vacated alley, Block 20, all part of Hiram B. Chapman and WM. T. Addis Addition to Spring Harbor as recorded in Liber 1 of Plats, Pages 47-48 of Charlevoix County Records more particularly described as follows: Commencing at a ½" iron rod at the Southeast corner of Block 19 of said plat; thence along the North line of Ridge Street North 87°17'47" East (recorded as North 86°08'01" East), 18.86 feet to a ½" iron rod; thence continuing along said North line North 87°41'28" East, 14.11 feet (recorded as North 86°06'11" East, 14.14 feet) to a ½" iron rod at the centerline of vacated Escape Street as recorded in Liber 217, Pages 258-259; thence continuing along said North line North 87°41'28" East, 121.75 feet to a ½" iron rod being the POINT OF BEGINNING; thence North 3°21'26" West, 133.86 feet to a ½" iron rod on the North line of Lot 6; thence along the North line of Lot 6 North 87°15'24" East, 71.75 feet to the Northeast corner of Lot 6; thence continuing on the extension of the North line of Lot 6 North 87°15'24" East, 8.25 feet to a ½" iron rod at the centerline of the vacated alley as recorded in Liber 217, Pages 258-259; thence along said centerline South 3°21'26" East, 134.01 feet to a ½" iron rod on the North line of Ridge Street; thence along said North line South 87°22'01" West, 8.25 feet to the Southeast corner of Lot 5; thence continuing along said North line South 87°22'01" West, 71.76 feet to the Point of Beginning, being a part of Lots 5 and 6, and vacated alley, Block 20, Hiram B. Chapman and Wm. T. Addis Addition to Spring Harbor and containing 10715 square feet (0.246 acres). Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road, or highway purposes.

The subject parcel is located at 234 Ridge St. Boyne City, MI 49712. The property is owned by Jeffrey Langhart and located in the Traditional Residential District.

**APPLICATION**

**Describe Variance Requests:** The applicant is requesting a variance to construct a 34'x40' addition to an existing nonconforming accessory building.

**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 **October 6, 2020** 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 Jeffrey Langhart
2. The property identification number is 15-051-140-005-20.
3. The property is in the Traditional Residential District (TRD).
4. Access to the property is provided by Ridge St. which is a public road that bounds the south side of the parcel.
5. The adjacent properties to the north, south, and east are zoned TRD.
6. The adjacent property to the west is zoned Community Service District (CSD).
7. The property is not irregularly shaped.
8. The topography of the property is generally flat sloping slightly with a gradual rise from north to south.
9. The property is approximately 17,970 sq. ft. in size.
10. The minimum lot area in the TRD is 5,445 sq. ft.
11. The TRD requires a minimum five foot (5') setback from the side lot line.
12. The TRD requires a minimum fifteen foot (15') from the rear lot line.
- 13.
- 14.
- 15.

**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.

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 by \_\_\_\_\_, seconded by \_\_\_\_\_ to recommend*

*Roll Call:*

*Aye:*

*Nay:*

*Abstain:*

*Absent:*

*Vacancy:*

*Motion*

*Date: 10-06-2020*

Chairperson signature on the original handwritten copy

Zoning Board of Appeals

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.

*Haggard's*  
**PLUMBING and HEATING**  
"Business of Quality and Service"  
"Charlevoix-the-Beautiful"  
haggardsinc@hotmail.com

September 22, 2020

City Planners Office  
319 N. Lake St.  
Boyne City, MI 49712

RE: Variance Request by Jeff Langhart Parcel#15-051-140-005-20 located at 234 Ridge St. Boyne City, MI to expand an existing non-conforming structure by adding 34'x40' addition onto structure.

To Whom it May Concern,

Upon reviewing the above Article, I would like to express my view on the above plan request. Haggard's Plumbing & Heating is not opposed to the changes of the 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 to either build and/or improve their existing property, it would only help the economy continue to grow. It would prove positive for the local, county and state to do all we can to improve and promote growth in anyways possible.

Sincerely,  
  
JOHN HAGGARD

**CITY OF BOYNE CITY**

**To:** Chair Pat Kubesh and fellow ZBA members  
**From:** Patrick Kilkenny, Assistant Planning Director  
**Date:** October 6, 2020  
**Subject:** Term Renewals, Election of Officers,  
Calendar Adoption



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1. The term of Robert Carlisle expired September 1, 2020.
    - A motion of approval of the term is required.
  
  2. The annual election of Zoning Board of Appeals Officers (Chair, Vice Chair, and Secretary) is scheduled for today's meeting.  
Current slate is as follows; Chair Kubesh, Vice-Chair Carlile
    - A motion is required for office elections
  
  3. A 2020 is calendar is attached for your review.
    - A motion is required for calendar adoption

# 2020 Zoning Board of Appeals Meeting Schedule

| January   |    |    |    |    |    |    | February |    |    |    |    |    |    | March    |    |    |    |    |    |    | April    |    |    |    |    |    |    |
|-----------|----|----|----|----|----|----|----------|----|----|----|----|----|----|----------|----|----|----|----|----|----|----------|----|----|----|----|----|----|
| S         | M  | T  | W  | T  | F  | S  | S        | M  | T  | W  | T  | F  | S  | S        | M  | T  | W  | T  | F  | S  | S        | M  | T  | W  | T  | F  | S  |
| 5         | 6  | 7  | 8  | 9  | 10 | 11 | 2        | 3  | 4  | 5  | 6  | 7  | 8  | 1        | 2  | 3  | 4  | 5  | 6  | 7  | 5        | 6  | 7  | 8  | 9  | 10 | 11 |
| 12        | 13 | 14 | 15 | 16 | 17 | 18 | 9        | 10 | 11 | 12 | 13 | 14 | 15 | 15       | 16 | 17 | 18 | 19 | 20 | 21 | 12       | 13 | 14 | 15 | 16 | 17 | 18 |
| 19        | 20 | 21 | 22 | 23 | 24 | 25 | 16       | 17 | 18 | 19 | 20 | 21 | 22 | 22       | 23 | 24 | 25 | 26 | 27 | 28 | 19       | 20 | 21 | 22 | 23 | 24 | 25 |
| 26        | 27 | 28 | 29 | 30 | 31 |    | 23       | 24 | 25 | 26 | 27 | 28 | 29 | 29       | 30 | 31 |    |    |    |    | 26       | 27 | 28 | 29 | 30 |    |    |
| May       |    |    |    |    |    |    | June     |    |    |    |    |    |    | July     |    |    |    |    |    |    | August   |    |    |    |    |    |    |
| S         | M  | T  | W  | T  | F  | S  | S        | M  | T  | W  | T  | F  | S  | S        | M  | T  | W  | T  | F  | S  | S        | M  | T  | W  | T  | F  | S  |
| 3         | 4  | 5  | 6  | 7  | 8  | 9  | 7        | 8  | 9  | 10 | 11 | 12 | 13 | 5        | 6  | 7  | 8  | 9  | 10 | 11 | 2        | 3  | 4  | 5  | 6  | 7  | 8  |
| 10        | 11 | 12 | 13 | 14 | 15 | 16 | 14       | 15 | 16 | 17 | 18 | 19 | 20 | 12       | 13 | 14 | 15 | 16 | 17 | 18 | 9        | 10 | 11 | 12 | 13 | 14 | 15 |
| 17        | 18 | 19 | 20 | 21 | 22 | 23 | 21       | 22 | 23 | 24 | 25 | 26 | 27 | 19       | 20 | 21 | 22 | 23 | 24 | 25 | 16       | 17 | 18 | 19 | 20 | 21 | 22 |
| 24        | 25 | 26 | 27 | 28 | 29 | 30 | 28       | 29 | 30 |    |    |    |    | 26       | 27 | 28 | 29 | 30 | 31 | 23 | 24       | 25 | 26 | 27 | 28 | 29 |    |
| 31        |    |    |    |    |    |    |          |    |    |    |    |    |    |          |    |    |    |    |    |    | 30       | 31 |    |    |    |    |    |
| September |    |    |    |    |    |    | October  |    |    |    |    |    |    | November |    |    |    |    |    |    | December |    |    |    |    |    |    |
| S         | M  | T  | W  | T  | F  | S  | S        | M  | T  | W  | T  | F  | S  | S        | M  | T  | W  | T  | F  | S  | S        | M  | T  | W  | T  | F  | S  |
| 6         | 7  | 8  | 9  | 10 | 11 | 12 | 4        | 5  | 6  | 7  | 8  | 9  | 10 | 8        | 9  | 10 | 11 | 12 | 13 | 14 | 6        | 7  | 8  | 9  | 10 | 11 | 12 |
| 13        | 14 | 15 | 16 | 17 | 18 | 19 | 11       | 12 | 13 | 14 | 15 | 16 | 17 | 15       | 16 | 17 | 18 | 19 | 20 | 21 | 13       | 14 | 15 | 16 | 17 | 18 | 19 |
| 20        | 21 | 22 | 23 | 24 | 25 | 26 | 18       | 19 | 20 | 21 | 22 | 23 | 24 | 22       | 23 | 24 | 25 | 26 | 27 | 28 | 20       | 21 | 22 | 23 | 24 | 25 | 26 |
| 27        | 28 | 29 | 30 |    |    |    | 25       | 26 | 27 | 28 | 29 | 30 | 31 | 29       | 30 |    |    |    |    |    | 27       | 28 | 29 | 30 | 31 |    |    |

## CITY OF BOYNE CITY

To: Chair Kubesh and fellow ZBA members

From: Patrick Kilkenny, Assistant Planner

Date: October 6, 2020

Subject: Zoning Board of Appeals  
Appointment Recommendation



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### Background Information

Member Monica Ross provided staff her letter of resignation from the ZBA following appointment to the Planning Commission by the Boyne City City Commission. Member Ross' resignation opens one vacancy on the Zoning Board of Appeals for a term ending on September 1, 2021.

Staff has on file an application to serve on the ZBA from Robert Weick dated 12-17-18 (see attached). Mr. Weick currently serves on the Parks and Recreation Commission. After consulting with the City Attorney there is no conflict with a Parks and recreation Commission member serving on the ZBA.

### Process

The procedures for appointments to the zoning board of appeals as stated in the bylaws: "Board appointments shall be subject to the approval by a majority vote of the members elect of the legislative body of the municipality." In accordance with past practice the Zoning Board of Appeals makes recommendations on ZBA appointments prior to submission to the City Commission for appointments. Applicants for the vacancy have been invited to the meeting to meet and speak with the ZBA.

Monica Ross  
109 E Michigan Ave  
Boyne City, MI 49712



To: Pat Kubesh, Chair of Zoning Board of Appeals

CC: Patrick Kilkenny, Assistant Zoning Director

Re: Resignation from Zoning Board of Appeals

At the August 25, 2020 meeting of the City Council I was approved to be on the Planning Commission. For this reason I am stepping down as a member of the Zoning Board Of Appeals. Please consider this memo as my resignation from said board.

Respectfully,

A handwritten signature in black ink is located below the "Respectfully," text. The signature is written in a cursive, flowing style and clearly reads "Monica Ross".

Monica Ross

# CITY OF BOYNE CITY

319 North Lake Street Boyne City, MI 49712 (231) 582-6597



## BOARD MEMBER APPLICATION

The City understands you are interested in becoming a member on one of the City Advisory Boards/Commissions. We appreciate your interest and future dedication to Boyne City. In order for the City to have information on file as reference when the next board has an opening, we ask you please complete the following and return to City Hall.

Name: ROBERT D. WEICK  
Address: 600 CALL STREET, Boyne City, MI 49712  
Telephone: (402) 639-0450 (daytime) SAME (evening)  
Email: rdweick@gmail.com  
Occupation: CONSULTANT (ENGINEER)

Please check any Advisory Board or Commission you may be interested in.

- |   |  |
|---|--|
| <input type="checkbox"/> Airport Advisory Board         | <input checked="" type="checkbox"/> Economic Development Corporation |
| <input type="checkbox"/> Historical Commission          | <input type="checkbox"/> Main Street / DDA Program                   |
| <input checked="" type="checkbox"/> Planning Commission | <input checked="" type="checkbox"/> Parks and Recreation Commission  |
| <input type="checkbox"/> Board of Review                | <input type="checkbox"/> Housing Commission                          |
| <input type="checkbox"/> Local Development              | <input checked="" type="checkbox"/> Zoning Board of Appeals          |
| <input type="checkbox"/> Finance Authority              | <input type="checkbox"/> District Library Board                      |
| <input type="checkbox"/> Historic District Commission   |  |

Reason(s) you wish to serve:

INTERESTED IN SUPPORTING THE COMMUNITY, GETTING INVOLVED WITH BUILDING AND IMPROVING THE LOCAL AREA, AND BECOMING CLOSER TO KEY ISSUES NEEDING RESOLUTION.

Other community or civic service activities:

CHAIR OF MICH. STATE UNIVERSITY SCHOOL OF PLANNING ADVISORY BOARD  
BOARD MEMBER - MSU FOOD PROCESS INNOVATION CENTER

Signature

Date 12-7-18