

**Meeting Of
June 2, 2015**

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, June 2, 2015 at 5:00 p.m.

Call To Order

Chair Kubesh called the meeting to order at 5:00 p.m.

Roll Call

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

MOTION

ZBA 2015-06-02-1

Carlile moved, Kubesh seconded, PASSED UNANIMOUSLY a motion to excuse the absence of McClorey.

Meeting Attendance

City Officials/Staff: Planning Director Scott McPherson, Assistant Planning Director Patrick Kilkenny and Recording Secretary Pat Haver
Public Present: Two

Approval of the Minutes

MOTION

ZBA 2015-06-02-2

Murray moved, Reynolds seconded, PASSED UNANIMOUSLY, a motion to approve the May 5, 2015 minutes as presented.

Roll Call

Ayes: Kubesh, Murray and Reynolds

Nays: None

Absent: McClorey

Abstain: Carlile

Motion carries

Hearing Citizens Present

None

Correspondence(s)

None

**New Business
Adoption of 2015 Calendar**

MOTION

Included in the agenda packet is the 2015 meeting calendar, for your review and consideration. **Motion by Kubesh, seconded by Murray, PASSED UNANIMOUSLY**, to adopt the 2015 calendar as presented.

Public hearing opened at 5:02 pm

**Variance Request 600
Jefferson Street**

Assistant Planning Director Patrick Kilkenny reviewed his staff report that was included in the agenda packet. The current owner is Donna Viveen, and the 20 acre parcel is vacant, forested and currently for sale. One of the original applicants, John McCafferty, at this time, is no longer interested in pursuing the purchase of the property; however, the representatives will be moving forward for the current owner Mrs. Viveen. The applicant is requesting a variance from the Boyne City Zoning Ordinance regulation, Section 24.80, which states "For any development in the residential districts, the parking surface on the property and access driveways shall be covered with pavement or hard surface material". The planning department did receive one phone call from a neighbor who is opposed to granting the variance.

Chris Christensen from Lynda's Real Estate – representing potential buyers:

We wanted to go ahead with the hearing, due to the posting of the hearing and notices to the neighbors; we feel that we would be able to secure a buyer with the variance. The property in this area is wet to the front; the desired building sites are closer to the rear of the property. The client that was interested in purchasing the property was willing to pave a portion of the drive back to the desired building site; but not the total length of almost 1,000 feet. They also did not have a problem with paving an apron from the road or placing a culvert as required, just did not want to have to pave the entire length of a driveway. Due to the average size of lots within the city, average driveways are close to 40 feet.

Dick Fish from Lynda's Real Estate – representing the current owner: The plan is for a single family estate within the city limits, no plans for a multi family development due to the wetness.

There is city water and sewer available down Jefferson Street. There is no access to this property other than coming off of Jefferson Street. The board had concerns about granting a variance without an active purchaser; and the possibility of having to come before the board again after 6 months if no construction started on the driveway. This variance stays with the parcel, even if the property is sold. The property does not have an official wetland delineation that anyone is aware of.

Public hearing closed at 5:43 pm

Board Deliberation and Finding of Fact.

GENERAL FINDINGS OF FACT

1. The property is owned by Donna Viveen of Destin, Florida.
2. The property identification number is 15-051-026-005-00.
3. The property is in the Rural Estate District (RED).
4. The property is currently vacant.
5. Access to the property is provided by Jefferson Street which is a public road.
6. The adjacent properties are in the Rural Estate District (RED) to the south, and east and Evangeline Township to the north.
7. The adjacent properties across Jefferson Street to the west are zoned Traditional Residential District (TRD).
8. The north, south, and east sides of the property share a lot line with other privately owned properties.
9. To the west, the property is bounded by Jefferson Street.
10. The property is not irregularly shaped.
11. The topography of the property is generally rolling terrain and the property is forested.
12. Section 24.80 of the City of Boyne City Zoning Ordinance states *“For any development in the residential districts, the parking surface on the property and access driveways shall be covered with pavement or hard surface material”*
13. The property is approximately 20 acres in size (1,291' x 642').
14. The Boyne City Street Department requires the new driveway to match the material (asphalt) of Jefferson St.
15. The Boyne City Street Department requires the driveway approach to be at least 10' wide.
16. The Boyne City Street Department requires a minimum of 3" of asphalt over a minimum of 6" compacted 22AA base.
17. The Boyne City Street Department requires a 12" culvert to be installed with the driveway.
18. *North boundary delineation is between City and Evangeline Township*

FINDINGS OF FACT UNDER SECTION 24.80. – NON-USE VARIANCES

In hearing and deciding appeals for variances, the Board shall adhere to the following criteria in determining whether or not practical difficulties and/or unnecessary hardships exist:

1. Requiring the owner to comply with the regulations governing area, setbacks, frontage, height, bulk, density or other non-use requirements would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such regulations unnecessarily burdensome.
Affirmative – Due to the length required to get to the desired building site; 1,000 foot driveway would be burdensome financially.
2. The variance granted is the smallest variance necessary to do substantial justice to the owner as well as to other property owners.
Affirmative
3. The variance can be granted in such a fashion that the spirit of the Ordinance will be observed and public safety and welfare secured.
Affirmative
4. The need for the variance is not self created.
Affirmative – Topography of property and ordinance requirement causes need; 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.
Affirmative – Topography and wetness of property are unique to this 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.

ZBA 2015-06-02-5B

MOTION

Carlile moved, Murray seconded that the driveway paved portion to be no less than 55 feet, with the condition that no gravel portion is to be seen from Jefferson Street.

Roll Call

Ayes: Carlile, Kubesh, Murray and Reynolds

Nays: None

Absent: McClorey

Abstain: None

Motion carries

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

None

Good of the Order

Pat Kubesh will be unavailable for any July or August meetings that may be held

Announcements


The next meeting of the Boyne City Zoning Board of Appeals is scheduled for July 7, 2015 at 5:00 p.m.

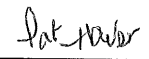
Next Meeting

**Adjournment
MOTION**

ZBA 2015-06-02-10

Murray moved, Carlile seconded, PASSED UNANIMOUSLY a motion to adjourn the Tuesday, June 2, 2015 Boyne City Zoning Board of Appeals meeting at 6:01 p.m.


Patrick Kubesh, Chair


Pat Haver, Recording Secretary