



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, October 1, 2013
5:00 P.M.
Boyne City Commission Chambers, City Hall

1. CALL TO ORDER AND ROLL CALL
Excuse Absences
2. APPROVAL OF MINUTES – August 6, 2013
3. HEARING CITIZENS PRESENT (on non-agenda items)
4. CORRESPONDENCE
5. NEW BUSINESS
 - A. Variance Request 513 Bay 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

click on Boards & Commissions

Next meeting November 5, 2013

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An Equal Opportunity Provider and Employer
Hometown Feel, Small Town Appeal

Meeting Of
August 6, 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, August 6, 2013 at 5:00 p.m.

Call To Order

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

Roll Call
MOTION

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

Absent: Pat Kubesh

ZBA 2013-08-06-1

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

Meeting Attendance

City Officials/Staff: Planning Director Scott McPherson and Recording Secretary Pat Haver

Public Present: Five

Approval of the Minutes
MOTION

ZBA 2013-08-06-2

Murray moved, McClorey seconded, PASSED UNANIMOUSLY a motion to approve the May 7, 2013 minutes as presented.

Hearing Citizens Present

None

Correspondence(s)

None

New Business

Variance Request 330
Mission Dr. Thomas and
Karen Veryser

Planning Director McPherson reviewed his staff report that was included in the agenda packet. The applicants Thomas and Karen Veryser 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.

Thomas Veryser: applicant/owner - Moved to the residence 10 years ago, a hardship they are now experiencing are the stairs leading to all of the bedrooms on the second floor. They now have physical limitations that make climbing stairs difficult, so are planning on turning the current attached garage space into a master bedroom. The garage will architecturally enhance the area values. It will mimic the existing house.

Ted Macksey: neighbor at 1110 Jefferson St. I live across the street; they are so secluded in that area, that you can not see them. I am in support of the variance requests.

Planning Director McPherson went through the findings of fact, listed below:

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 the 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.

Public hearing opened at 5:11 pm. With no public comments closed at 5:12 pm

The board now went through section 27.45 for non-use variances

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.
Affirmative, It is not possible to erect this structure in an area in the rear of the property.
2. The variance granted is the smallest variance necessary to do substantial justice to the owner as well as to other property owners.
Affirmative, the request is the smallest variance necessary
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, land topography and wetlands are limiting
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, land topography, wetlands, mature trees, placement of current well and septic fields all limit building site availability.

The Board shall grant no variance if it finds an application does not meet all of the above listed criteria for determining whether or not a practical difficulty and/or unnecessary hardship exists.

MOTION

With no further board discussion, motion by Murray, seconded by Reynolds to approve the variance requests as presented; a 5 ft. variance from the minimum 10 ft. side yard setback and a 13 ft. variance from the minimum 30 ft. front yard setback requirement.

ZBA 2013-08-06-5A

Roll Call

Ayes: Carlile, McClorey, Murray and Reynolds

Nays: None

Absent: Kubesh

Motion carries

Old Business

Reports of Officers, Boards and Standing Committees

None

Good of the Order Announcements

- Welcome to Annie Doyle who was recently hired as the Assistant Planning Director for the city, and will be support staff to the ZBA, Evangeline & Wilson Townships. She gave a brief introduction of herself and her professional background and qualifications.
- Devlon update: McPherson was asked to give a brief review of the public meeting that was called by the developer in July.
- Catt Development broke ground for their residential buildings. He plans on beginning to build three of the units, possibly as early as this fall.

Next Meeting

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

Adjournment MOTION

ZBA 2013-08-06-10

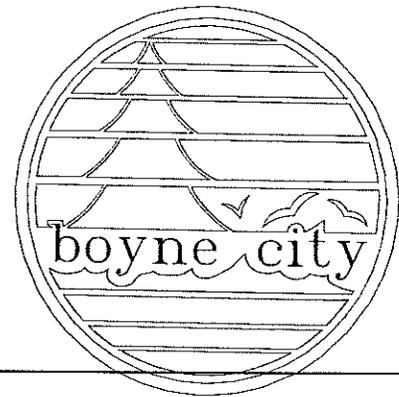
Murray moved, Reynolds seconded, PASSED UNANIMOUSLY a motion to adjourn the Tuesday, August 6, 2013 Boyne City Zoning Board of Appeals meeting at 5:36 p.m.

Robert Carlile, Vice Chair

Pat Haver, Recording Secretary

CITY OF BOYNE CITY

To: Chair Pat Kubesh and fellow ZBA members
From: Annie Doyle, Assistant Planner
Date: September 20, 2013
Subject: Variance Request at 513 Bay Street



Background

The subject parcel is located at 513 Bay Street. (PID: 051-171-013-00). This parcel is along the shoreline on the north side of town at the intersection of Mechanic and Bay Street in the Waterfront Residential District (WRD). The lot size complies with the minimum lot area and lot width requirements for the district.

Zoning permits were issued in 1988 and 1990 for the initial construction and the detached garage, and one issued in 2006 to add dormers to the roof. In 2010, two variances were granted allowing for a rear yard setback for a 5' porch roof over a side entry door and a front yard setback variance for a 10' x 20' addition to a deck on the waterfront.

Discussion

The applicant is requesting a rear yard set back variance of 13.2' to allow for a 6' x 12' addition to their existing primary structure.

The addition will be an extension of an existing bathroom, allowing room for construction of a new walk-in shower.

Other factors

The view corridor requirements deal with side yard requirements, and are not relevant in this request.

Currently, the house is a nonconforming structure. The rear yard (street side) setback requirement for the district is 15 feet. At the northwest corner of the property, the set back is approximately 1.8 feet.

The 2010 findings of fact indicate two variances were granted for proposed construction based on the following: topography (steep slopes) and lake frontage making the setbacks extremely restrictive; the slopes and meandering of the lake shore line are unique circumstances to the property and the buildable envelope was defined after the buildings were placed on the lot.

Summary

The applicant is proposing to build a 6' x 12' addition to the northwest corner of the property. The addition would extend the structure's already existing non-conforming rear yard set back of 1.8' another 6' to the west of the property along the street side. A

variance of 13.2' from the required 15' rear yard setback is requested by the applicant for the construction of the proposed addition.

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

Please find enclosed in this packet the following exhibits:

- A. ZBA Application
- B. Site Plan of proposed addition
- C. Sketch of proposed addition
- D. Aerial photo of property
- E. Aerial photo of property contours
- F. Template for Findings of Fact



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ZONING BOARD OF APPEALS APPLICATION

(231) 586-7801

Owner Name: Richard + Marva Cronk
Address: 513 Bay St
Boyne City MI 49712
Phone: _____ E-mail: _____

Describe Variance Request: 6' x 12' addition to existing bathroom so as to have room for a new walk-in shower.

Property Street Address: 513 Bay Street
Nearest Intersection: Mechanics Street

Property Tax ID #: 051-171-013-00 Zoning District: WRD

Legal Description of Property (attach separate sheet if necessary): Part of Block 1 of William T. Addis addition to Spring Harbor City of Boyne City, Charlevoix County, Michigan

- 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 9-12-13

This is to certify the required filing fee was received on 9-12-13 and documented with receipt number 46257. This application is scheduled for public hearing on 10-1-13.
Staff Initials [Initials]

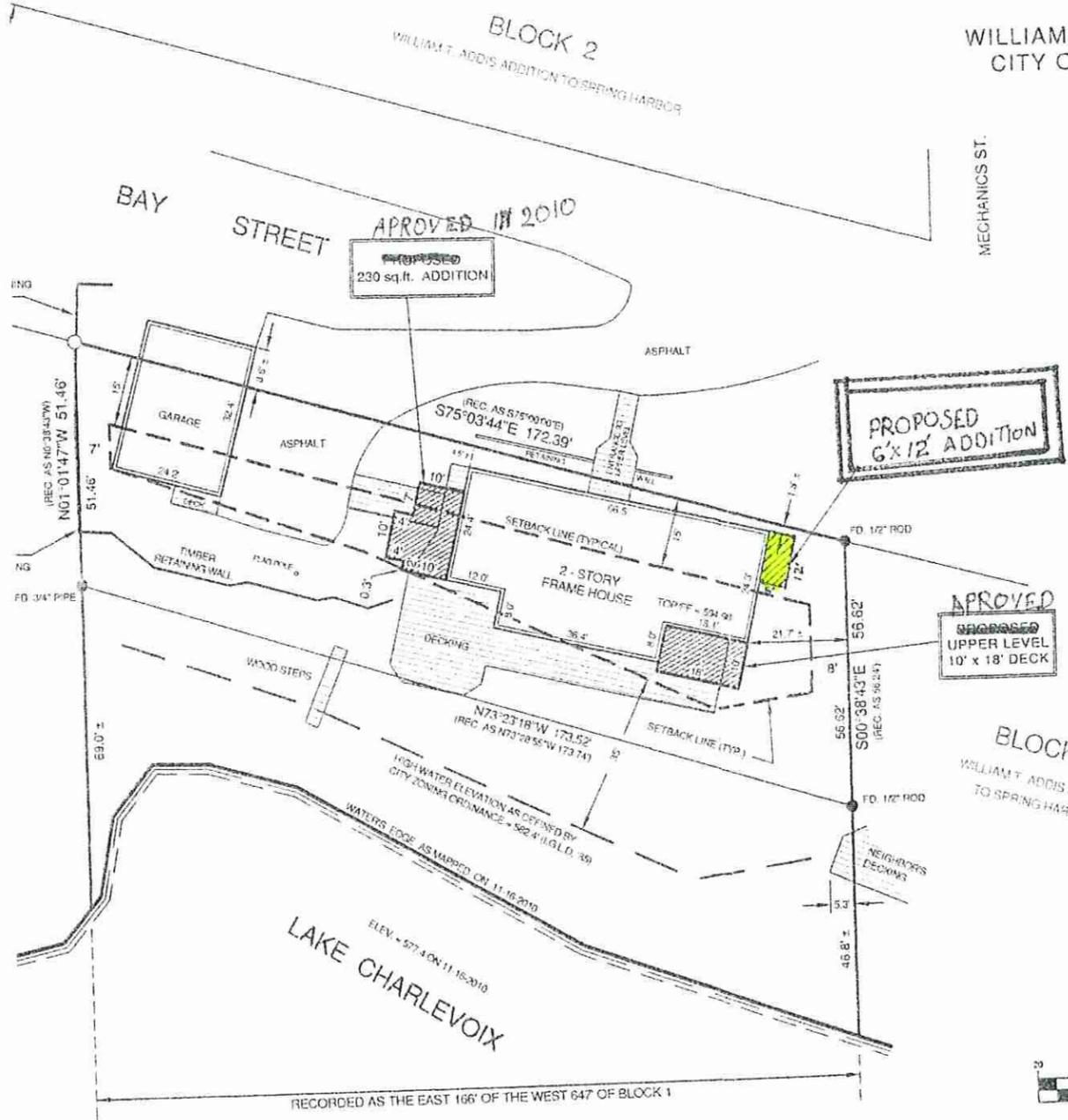
EXISTING SITE PLAN

PART OF BLOCK 1 OF
WILLIAM T. ADDIS ADDITION TO SPRING HARBOR
CITY OF BOYNE CITY, CHARLEVOIX COUNTY,
MICHIGAN

PREPARED FOR:

RICHARD & MARVA CRONK
513 BAY STREET
BOYNE CITY, MI 49712

PARCEL NO. 051-171-013-00



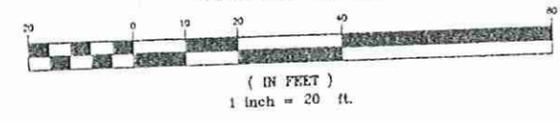
APPROVED IN 2010
UPPER LEVEL
10' x 18' DECK

APPROVED IN 2010

BLOCK 1
WILLIAM T. ADDIS ADDITION
TO SPRING HARBOR



GRAPHIC SCALE



LEGEND:

1. ALL DIMENSIONS ARE IN FEET.
2. * * * INDICATES IRON/ROD FOUND IN PLACE FROM PRIOR SURVEY.
3. * O * INDICATES SET 1/2" RE-ROD WITH I.D. CAP.
4. BEARINGS RELATED TO PRIOR SURVEYS.
5. UTILITY INFORMATION IS BASED ON FIELD OBSERVATION. PRECISE LOCATION OF ALL UTILITY LINES AND SANITARY STRUCTURES ARE SUBJECT TO MARKING BY UTILITY PROVIDERS AND/OR OWNER PRIOR TO ANY CONSTRUCTION.
6. ELEVATIONS ARE BASED ON INTERNATIONAL GREAT LAKES DATUM (I.G.L.D.) OF 1985.

JOHN E. FERGUSON
P.S. 24595

FERGUSON & CHAMBERLAIN ASSOCIATES, INC.

PROFESSIONAL SURVEYORS
103 W. UPRIGHT STREET
CHARLEVOIX, MICHIGAN 49712
PHONE: 517-547-0882
INFO: info@fergusoninc.com

NO.	DATE	REVISION	BY
1	11-16-10		

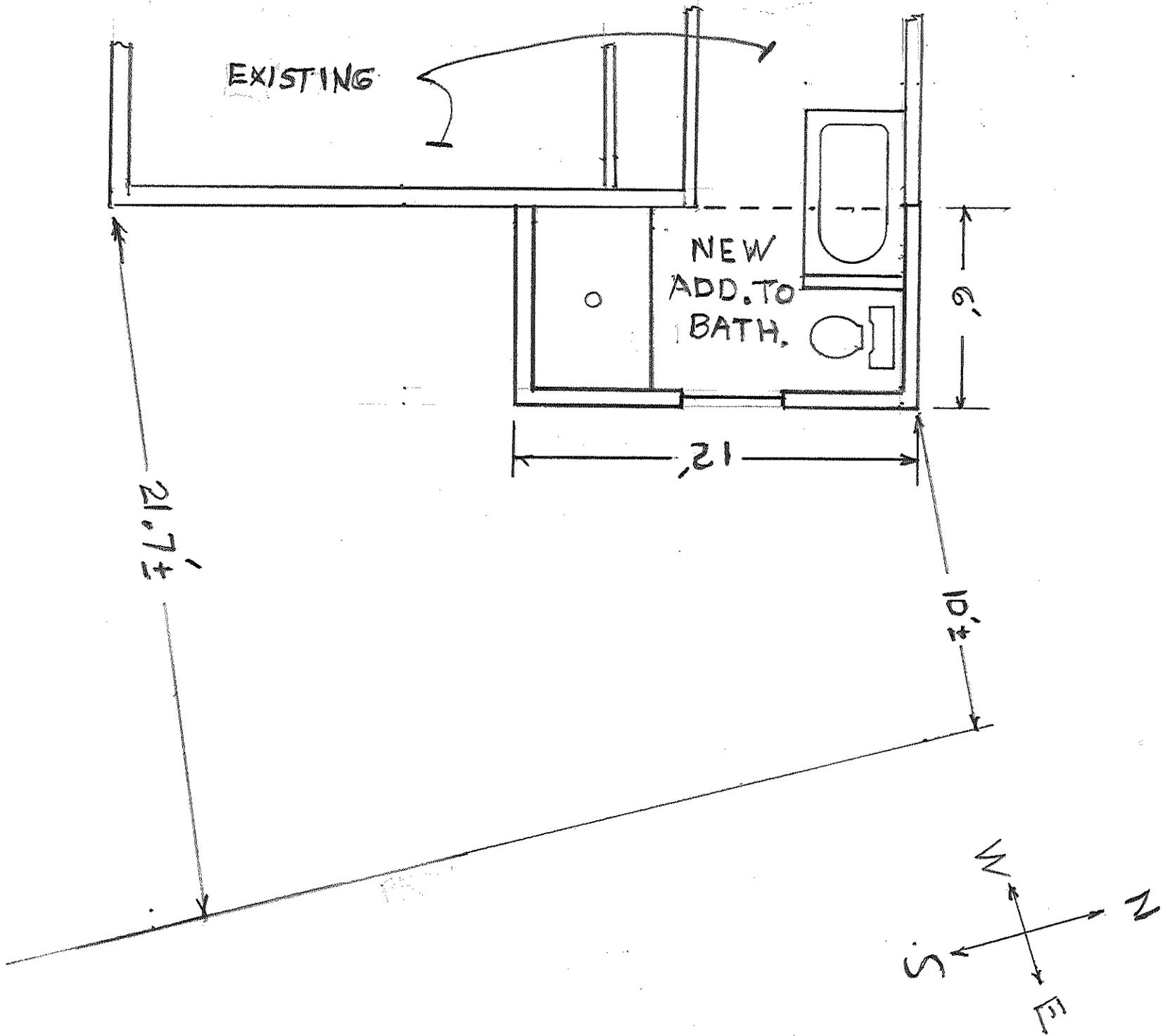
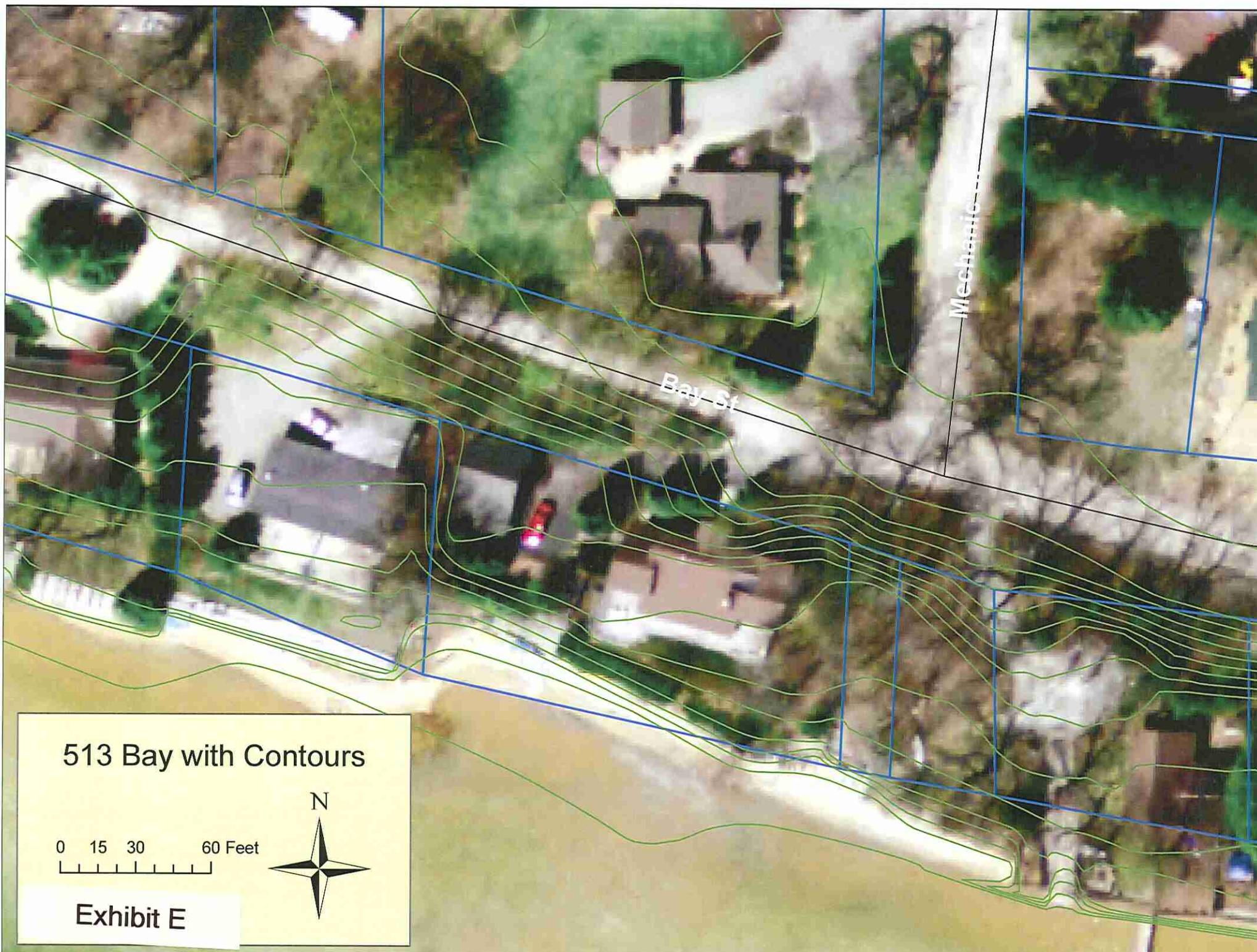


Exhibit C



Exhibit D



513 Bay with Contours

0 15 30 60 Feet



Exhibit E

**BOYNE CITY
ZONING BOARD OF APPEALS**

APPLICANT INFORMATION

APPLICANT: Richard and Marva Cronk
513 Bay St.
Boyne City, MI 49712

HEARING DATE: October 1, 2013

PROPERTY DESCRIPTION

The property located at 513 Bay St., described as tax identification number 15-051-171-013-00, hereinafter referred to as the property.

APPLICATION

Describe Variance Requests: A rear yard set back variance of 13.2' to allow for a 6'x12' addition to the existing primary structure. The property is located in the Waterfront Residential Zoning District. The Boyne City Zoning Ordinance requires a 15' rear (road) setback in this 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 October 1, 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 Richard and Marva Cronk.
2. The applicant, proposes an expansion on the house encroaching on the required rear yard setback.
3. The property is in the Waterfront Residential Zoning District.
4. The existing structure was built in 1988 and expanded in 1990 on valid permits and was given two variances in 2010 as a result of the unique topography.
5. The property has meandering lake frontage, making the west portion of the property narrower than the east portion.
6. The property has areas of steep slope.
7. The lake frontage greatly reduces the buildable area of the lot.
- 8.
- 9.
- 10.
- 11.
- 12.

FINDINGS OF FACT UNDER SECTION 27.45. – NON-USE VARIANCES

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

1. Requiring the owner to comply with the regulations governing area, setbacks, frontage, height, bulk, density or other non-use requirements would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such regulations unnecessarily burdensome.
A.
2. The variance granted is the smallest variance necessary to do substantial justice to the owner as well as to other property owners.
A.
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.
A.
4. The need for the variance is not self created.
A.
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.
A.

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.

<p>MOTION:</p> <p><i>Roll Call</i></p> <p><i>Aye:</i></p> <p><i>Nay:</i></p> <p><i>Abstain:</i></p> <p><i>Absent:</i></p> <p><i>Motion Carried.</i></p>	<p>DATE:</p>
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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.