

BAY TOWNSHIP ZONING BOARD OF APPEALS
August 13th, 2019 MEETING MINUTES

APPROVED

- CALL TO ORDER** Chairman Rob Maxwell called the meeting to order at 6:00PM and led with the Pledge of Allegiance.
- ATTENDANCE** Upon the completion of a roll call the following Members of the Bay Township Zoning Board of Appeals (the Board) were identified as being present: Chairman R. Maxwell, Vice Chairperson N. Blandford, Secretary X. Gaudard and members S. Ritter and A. Koteskey.
- Also in attendance:
Property Owners: Alice Keller (property owner)
Nick White (architect/Keller property)
Robert and Melanie Lafave (property owners)
Todd Wright (builder/Lafave property)
- AGENDA** ***MOTION by Gaudard, seconded by Koteskey, to approve the agenda as amended, passed upon unanimous affirmative vote of the Board Members.***
- MOTION by Gaudard, seconded by Ritter, to approve Kristin Baranski as the Recording Secretary for the Bay Township Zoning Board of Appeals, passed upon unanimous affirmation vote of the Board Members.***
- PRIOR MEETING MINUTES** ***MOTION by Koteskey, seconded by Blandford, to approve the March 6th, 2019 Zoning Board of Appeals regular meeting minutes as amended, passed upon unanimous affirmative vote of the Board Members.***
- PUBLIC COMMENT** No public comment received.

ALICE KELLER VARIANCE REQUEST

Zoning Variance Appellants: Alice Keller Property
Identification No.: 15-005-012-004-00
Property Address: 01001 Forest Ave., Boyne City, MI 49712

Ms. Keller (Appellant) is seeking a variance from the Bay Township Zoning Ordinance, as amended (the Ordinance). The Appellant is proposing to tear down existing non-conforming home and rebuild. Proposed home will remain non-conforming; however setbacks will be improved.

The Appellants are seeking a variance from Article XVII, Nonconforming Uses, Section 17.2.d.2 of the Ordinance. Section 17.2.d.2 states that a nonconforming structure, which predates the Bay Township Zoning Ordinance (1974),.....shall require ZBA approval for any expansion or alteration.

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Van Zee reviewed the application as follows (refer to the Appellant's Zoning Variance Application for further details):

- Property Owner: Alice Keller
- Property Address: 01001 Forest Ave., Boyne City, MI 49712
- Property Tax Identification No.: 15-005-012-004-00
- Zoning District: R-1 Residential within the Waterfront Overlay district

White further explained the following:

- The current home sits on a crumbling foundation that for a reclaim/repair at current location would require tear down, dig out current failing foundation and rebuild.
- The Appellant desires to tear down current non-conforming home and rebuild, within same footprint, improving setbacks, particularly the lake side.
- As required by the Ordinance, notices were mailed out regarding the proposed variance request and two letters supporting the variance was received from Haggard Plumbing & Heating and a neighbor (Macaney).

Deliberations by the Board with participation from time to time by Van Zee and White in response to questions from the Board Members are as follows:

- The Board discussion focused on the benefits of tearing down home and building new home with better setbacks versus repairing foundation and repairing/reclaiming at current location. Proposed new build would improve lake setback by 16 feet.
- Van Zee confirmed the new location of home will bring property into line with neighboring setbacks.
- The Board confirmed the footprint will remain the same.
- Currently the owner has no plans for a garage and future requests would require an additional ZBA meeting.
- All native vegetation would be protected and /or replaced. White noted a Tip of the Mitt consultation will occur.
- Board asked how construction equipment will be brought onto property. White said he will have to work with and obtain permits from DEQ.

The Board reviewed the following Bay Township Zoning Ordinance Article 14.9 findings of facts regarding the application as follows:

- a. The parcel is non-conforming as is and with water on one side and a stream on the other, property will remain non-conforming.
- b. The need for the variance was not created by the property owner's actions does not apply to this situation.
- c. Granting the variance would not do substantial justice to the Appellant and would not harm property owners in the vicinity.
- d. The Board Members felt that granting the variance will not cause adverse impact on surrounding property as the new set backs are more in keeping with ordinance.
- e. The Board felt that granting of the variance would not adversely affect the purpose of the Ordinance.

MOTION by Koteskey, seconded by X. Gaudard:

The Bay Township Zoning Board of Appeals findings of fact identified in the variance request for property identified as 15-005-012-004-00 is as follows:

- **Property Owner: Alice Keller**
- **Property Address: 01001 Forest Ave., Boyne City, MI 49712**
- **Property Tax Identification No.: 15-005-012-004-00**
- **Zoning District in which the Property resides: R-1 Waterfront Overlay District**
- **The property is subject to the provisions of the Ordinance, Article V (Zoning District Regulations) and Article XVII, Nonconforming Uses, Section 17.2.d.2**

Based upon the findings of fact as identified by the Bay Township Zoning Board of Appeals in hearing the request for the variance regarding Property Tax Identification No.15-005-012-004-00 and after consideration of all information presented by the Appellant, the standards set forth in Article XVII and the facts found above, the Zoning Board of Appeals find that the

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1 proposed construction of presented home, not increasing footprint and improving setbacks on property, as proposed by the appellant, does
2 not increase the existing nonconformity in any matter that violates the applicable Ordinance provisions, and the requested
3 variance is thereby granted, with a conditionally approval of the DEQ.
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5 Board Members voting in support of the motion by roll call vote: Gaudard, Ritter, Blandford, Koteskey and Maxwell, and none
6 voting in opposition. Motion passed.
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8 **ROBERT AND MELAINE LAFAVE VARIANCE REQUEST**
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10 Zoning Variance Appellants: Robert and Melanie Lafave
11 Property Identification No.: 15-005-012-004-00
12 Property Address: 05045 Boyne City Road, Boyne City, MI 49712
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14 Robert and Melanie Lafave (Appellants) are seeking a variance from the Bay Township Zoning Ordinance, as amended (the
15 Ordinance). The Appellants are proposing to add an attached garage to current structure. Proposed garage will not meet
16 setbacks.
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18 The Appellants are seeking a variance from Article XVII, Nonconforming Uses, Section 17.2.d.2 of the Ordinance. Section
19 17.2.d.2 states that a nonconforming structure, which predates the Bay Township Zoning Ordinance (1974),.....shall require
20 ZBA approval for any expansion or alteration.
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23 Van Zee reviewed the application as follows (refer to the Appellant's Zoning Variance Application for further details):

- 24 - Property Owner: Robert and Melanie Lafave
- 25 - Property Address: 05045 Boyne City Road, Boyne City, MI 49712
- 26 - Property Tax Identification No.: 15-001-006-010-00
- 27 - Zoning District: R-1 Residential within the Waterfront Overlay district
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29 VanZee further explained the following:

- 30 - Appellants are requesting a variance of a little more than 4 feet from setback.
- 31 - The proposed attached garage is located on the rear of the home, on road side not lake side.
- 32 - 19 notices were mailed out regarding the proposed variance request and a letter supporting the variance was
33 received from Haggard Plumbing & Heating.
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35 Maxwell suggested a motion be made for approval to open discussion of variance.
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37 **MOTION by Koteskey, seconded by Ritter, to open the discussion of the variance request for approval.**
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39 Robert Lafave (property owner) explained the following with input from Van Zee and Wright (builder):

- 40 - Lafave has spoken with neighbors are all are in support of variance.
- 41 - Driveway is currently sloped and at age 65, it can be hindersome for daily activities, i.e. getting mail. An attached
42 garage would alleviate this.
- 43 - Proposal is attempting to stay as close to the requirements as possible.
- 44 - New proposed driveway would eliminate slope.
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46 Deliberations by the Board with participation from time to time by Van Zee and Wright in response to questions from the
47 Board Members are as follows:

- 48 - The Board questioned if proposed driveway/garage would affect well. Wright replied no.
- 49 - Wright explained the floor of the proposed garage floor would now be level with the floor of the home and allow
50 easier access into home.
- 51 - Board asked if the appellants did not receive the variance, is there a back-up plan. Wright replied that the plans
52 have been tightened up as much as possible.
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The Board reviewed the following Bay Township Zoning Ordinance Article 14.9 findings of facts regarding the application as follows:

- a. The need for the variance was created by the property owner’s actions.
- b. The Board felt that granting of the variance would adversely affect the purpose of the Ordinance.

MOTION by Koteskey, seconded by X. Gaudard:

The Bay Township Zoning Board of Appeals findings of fact identified in the variance request for property identified as 15-001-006-010-00 is as follows:

- Property Owner: Robert and Melanie Lafave
- Property Address: 05045 Boyne City Road, Boyne City, MI 49712
- Property Tax Identification No.: 15-001-006-010-00
- Zoning District in which the Property resides: R-1 Waterfront Overlay District
- The property is subject to the provisions of the Ordinance, Article V (Zoning District Regulations) and Article XIV, Dimensional Variance Section 14.9

Based upon the findings of fact as identified by the Bay Township Zoning Board of Appeals in hearing the request for the variance regarding Property Tax Identification No. 15001-006-010-00 and after consideration of all information presented by the Appellant, the standards set forth in Article XVII and the facts found above, the Zoning Board of Appeals find that the proposed construction of attached garage as proposed by the appellant, does violate the applicable Ordinance provisions, and the requested variance is thereby denied.

Board Members voting in support of the motion to approve by roll call vote: Koteskey and Maxwell, and three voting in opposition Gaudard, Blandford and Ritter. Motion denied.

PLANNING COMMISSION REPORT

Gaudard summarized the recent Planning Commission activities.

PUBLIC COMMENT

No public comment received.

ADJOURNMENT

MOTION by Blandford, seconded by Ritter, to adjourn the meeting at 7:28PM, passed upon unanimous affirmative vote of the Board Members.

Respectfully submitted,

Kristin Baranski
Planning Commission Recording Secretary