

**BAY TOWNSHIP ZONING BOARD OF APPEALS
October 8th, 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 A. Koteskey and S. Ritter.

Also in attendance: Ron VanZee (Zoning Administrator), Stephanie Baldwin (Edgewater Designs) and Craig Boyd (Contractor)

PRIOR MEETING MINUTES **MOTION by Koteskey, seconded by Blandford, to approve the August 13th, 2019 Zoning Board of Appeals regular meeting minutes as presented, passed upon unanimous affirmative vote of the Board Members.**

PUBLIC COMMENT No public comment received.

Helen and Gary Pilnick VARIANCE REQUEST

Zoning Variance Appellants: Helen and Gary Pilnick
Identification No.: 001-134-022-00
Property Address: 02519 Eagle Island Rd, Boyne City, MI 49712

Mr. and Dr. Pilnick (Appellants) are seeking a variance from the Bay Township Zoning Ordinance, as amended (the Ordinance). The Appellants are proposing to remodel a nonconforming structure within the 50 foot allowed waterside setback.

The Appellants are seeking a variance from Article XVII, Nonconforming Uses, Section 17.2.c. of the Ordinance. Section 17.2.c states "An existing nonconforming structure may be remodeled within its current building footprint and spatial building envelope." Article III (Page 9) provides the definition of spatial building envelope as: "The three-dimensional configuration of the building's volume and mass."

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

- Property Owner: Helene and Gary Pilnick
- Property Address: 02519 Eagle Island Road, Boyne City, MI 49712
- 1. Property Tax Identification No: 001-134-022-00
- Zoning District: R-1 Residential within the Waterfront Overlay district

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

- Appellants would like to add a third-floor dormer to expand bedroom.
- Hearing was published and notices were mailed out to all pertinent property owners.
- Correspondences regarding October 8th, 2019 Bay Township Zoning Board of Appeals attached.
- Dormer would increase volume of house; allow proper floorspace for use of room (bedroom)

The Board reviewed the following Bay Township Zoning Ordinance Article XVII 17.2 c findings of facts regarding the application as follows:

- a. The parcel is non-conforming.
- b. An existing nonconforming structure may be remodeled within its current building footprint (YES) and Spatial building envelope (NO).
- c. The dormer will increase the volume of the house.
- d. Existing unresolved zoning issues regarding property (garage and shed not on assessor roles/no permits pulled) need to be corrected. (Not before ZBA perhaps zoning violation).

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:** Helene and Gary Pilnick
- **Property Address:** 02519 Eagle Island Road, Boyne City, Michigan 49712
- **Property Tax Identification No:** 001-134-022-00
- **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.c.**

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 011-134-022-00 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 a third floor dormer, as proposed by the appellant, does violate the applicable Ordinance provisions, and the requested variance is thereby denied.

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Board Members voting in support of the motion to approve by roll call vote: Blanford and four voting in opposition Gaudard, Maxwell, Ritter and Koteskey. 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 6:48 PM, passed upon unanimous affirmative vote of the Board Members.

Respectfully submitted,

Kristin Baranski
Planning Commission Recording Secretary