

CITY OF CHARLEVOIX
ZONING BOARD OF APPEALS MINUTES
Wednesday, October 17, 2012 - 6:00 p.m.
210 State Street, City Hall, 2nd Floor Council Chambers, Charlevoix, MI

(A) CALL TO ORDER

The meeting was called to order by Chair Greg Withrow at 6:00 p.m.

(B) ROLL CALL

Members Present: Greg Withrow, Patricia Miller, Richard Clem, Ann Gorney

Members Absent: Gary Anderson, Larry Sullivan (alt.), Greg Bryan (alt.)

Staff Present: City Planner Michael Spencer

Clerk: City Clerk Carol A. Ochs

The Chair stated that there were four voting members present, constituting a quorum.

(C) PLEDGE OF ALLEGIANCE

(D) INQUIRY INTO POTENTIAL CONFLICTS OF INTEREST

Mr. Clem noted for disclosure that he lives within the 300 ft. notification radius for Project 2012-05 ZBA. However, he rents the property and the proposed project does not affect his view and he would have no financial gain based on his decision. It was determined Mr. Clem does not have a conflict on this item.

(E) APPROVAL OF MINUTES

The Board reviewed the July 18, 2012 minutes.

Motion by Miller, second by Clem, that the July 18, 2012 minutes be approved as amended. Motion approved by unanimous voice vote.

(F) NEW BUSINESS

1. Public Hearing for Project 2012-05 ZBA: Variance request from Mike and Kim Foster, 211 E. Lincoln Ave.

- a. Staff Presentation

City Planner Mike Spencer reviewed the staff report and answered questions from the Board. Mr. Spencer reviewed section 5.192 of the Zoning Ordinance referring to the determination of adjacent building setbacks. Mr. Spencer said that previously, when this section has been applied, the adjacent buildings had a straight footprint across the front yard setback. In this case, one adjacent property has a covered porch, while the other has an open porch. Mr. Spencer is asking the Board to determine if the porch line or the main building line should be used for the average setback; the applicant will need a variance either way, but the amount of variance would change.

The Board generally agreed that the extended porches should be included for the average adjacent property setback measurement. Mr. Spencer said that, in that case, one building setback would measure 16.5 ft., the other would measure 8.5 ft., which would make the Fosters required setback 12.5 ft. The Fosters are asking for an 8 ft. setback, which would require a variance of 4.5 ft. The small existing covered porch, which is being replaced as part of this larger porch project, currently has a setback of about 8 ft.

- b. Presentation by Applicant (if requested)

The applicant did not make a presentation.

- c. Call for Public Comment

The Chair opened the public hearing on Project 2012-05 ZBA at 6:11 p.m.

There were no comments.

The Chair closed the public hearing at 6:11 p.m.

d. ZBA Determination of Findings of Fact

The Board reviewed the findings of fact. Under section (5)(a), the Board added the following language: "The ZBA finds that applying section 5.192 results in an average front yard of 12.5 ft., therefore the requested variance is less than 6 feet and is consistent with the property on the east side."

The Board asked Mr. Spencer to delete item (6), "Conditions of approval," as the Board is not placing any conditions on the project.

e. Motion

Motion by Clem, second by Miller, to approve Project 2012-05 ZBA without conditions based on the findings of fact contained herein.

Motion adopted by the following yea and nay votes:

Yeas: Miller, Withrow, Clem, Gorney

Nays: None

2. Discussion about meeting notifications/scheduling

The Board generally agreed for the Planner to call members before scheduling a meeting to verify there will be a quorum present.

There will be an appeal and interpretation coming up in December. The Board agreed to schedule that for Wednesday, December 12, 2012 at 6:00 p.m.

(G) CALL FOR PUBLIC COMMENT ON NON-AGENDA ITEMS

The Chair called for public comment on non-agenda items at 6:25 p.m. There were no comments. The Chair closed public comment.

(H) ADJOURNMENT

Motion by Clem, second by Miller, that the meeting be adjourned.

There were no objections.

The meeting was adjourned at 6:25 p.m.

Greg Withrow, Vice-Chairperson

Carol A. Ochs, City Clerk