

CITY OF CHARLEVOIX
ZONING BOARD OF APPEALS MINUTES
Wednesday, April 17, 2019 – 6:00 p.m.
210 State Street, Charlevoix, MI

A) CALL TO ORDER

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

B) ROLL CALL/PLEDGE OF ALLEGIANCE

Chair: Greg Withrow

Members Present: Gary Anderson (alternate non-voting), Ann Gorney, Dennis Kusina (alternate), Richard Hodgson, Timothy Kish

Members Absent: Patricia Miller

Staff Present: Jonathan Scheel, Zoning Administrator

C) INQUIRY INTO POTENTIAL CONFLICTS OF INTEREST

D) APPROVAL OF AGENDA

E) APPROVAL OF MINUTES

Minutes of the January 23, 2019 meeting were approved by the Chairman as per policy.

F) OLD BUSINESS

G) NEW BUSINESS

1. Public Hearing for Applicant 2019-01 ZBA: Use variance request from Ron Way & Mark Oostmeyer – 906 Bridge Street

a. Staff Presentation

Zoning Administrator Scheel stated that the applicant was proposing to remove the existing home at 906 Bridge Street and build a triplex with a 1300 square foot footprint. The applicant is requesting a variance from Section 5.27 (2) which defines the Dimensional Requirements for a CM, Commercial Mixed Use District. The variances requested are: a 5' side yard variance for the structure, a 15' rear yard variance for parking, and two 7.5' side yard variances for parking. The standards in the CM District are 10' side yard setback, 15' front yard setback, and 20' rear yard setback.

He stated that there is a section in the Zoning Ordinance which allows for a non-conforming lot to take 10% of the lot width which gives an additional 5', therefore the applicants do not need a variance for the front building. Mr. Oostmeyer questioned if the special section of the Ordinance also allowed for the variance to be on the front and rear as well, and Zoning Administrator Scheel responded "side to side only". Zoning Administrator Scheel noted that Bridge Street lots from Belvedere to Carpenter averaged 67' wide, so this lot is about 17' narrower than the average lot in that area.

Alternate Member Anderson arrived at the meeting.

b. Applicant Presentations

Mr. Oostmeyer, co-owner of the property, stated that the lot was 50' x 120' and he provided copies of additional material showing the existing structure, the survey and the proposed plan for the property. He further explained their request including that they needed to have five parking spaces with a triplex which required a variance to 2.5' for each side yard setback.

c. Call for Public Comments

d. ZBA Determination of Findings of Fact

Member Gorney questioned the possibility of four parking spaces instead of five. Member Hodgson referenced a section of the Ordinance which indicated that if the required number of parking spaces equals ½ then a full space was needed. The Zoning Administrator stated that the ZBA can approve or deny the variance for the five parking spaces and that doesn't allow them to have the five parking spaces, but if the spaces were approved that would allow them to go before the Planning Commission to ask for the parking spaces or they could just build the project with four parking spaces. Mr. Oostmeyer stated that if there were any concerns they would modify their plan to have four parking spaces. He stated they would appreciate an approval, but the reality is they are just going to modify their submission back to four parking spaces even after the approval.

Further discussion followed regarding the parking spaces and maneuvering lane width requirements. Chair Withrow clarified that they could approve the four parking spaces and then discuss the rear yard setback. He stated that the Board recognized that the lot was small, but the applicants were trying to improve the area and they need the space to provide adequate parking.

e. Motion

Motion by Member Kish, second by Member Kusina to approve the 10' rear yard setback variance. Chair Withrow reviewed the General Findings of Fact contained in the Staff Report and there were no changes.

Motion passed by roll call vote as follows:

Yeas: Gorney, Hodgson, Kish, Kusina, Withrow
Nays: None
Absent: Miller

Chair Withrow questioned if the applicant wanted the Board to rule on the requested 2.5' side yard and 10' rear setback and Mr. Oostmeyer responded affirmatively. He stated that the same Findings of Fact apply to the side yard setback and discussion followed regarding the current surfacing of the rear yard and whether or not five parking spaces will even fit to allow maneuverability. Chair Withrow reviewed the General Findings of Fact contained in the Staff Report. He stated that the new structure is consistent with the previous building on the property and neighbors present did not object to the project.

Motion by Member Hodgson, second by Member Gorney to approve the 2.5' side yard setback for both sides and the 10' rear yard setback for parking subject to the condition that if they want to have five parking spaces it has to be approved by the Planning Commission.

Motion passed by roll call vote as follows:

Yeas: Gorney, Hodgson, Kish, Withrow
Nays: Kusina
Absent: Miller

H) CALL FOR GENERAL PUBLIC COMMENT

I) ADJOURNMENT

Motion by Member Gorney, second by Member Hodgson to adjourn the meeting at 6:43 p.m. Motion passed by unanimous voice vote.

Joyce M. Golding/fgm

City Clerk

Richard Hodgson for Greg Withrow

Chair