

**CITY OF CHARLEVOIX
ZONING BOARD OF APPEALS MINUTES
Wednesday, August 6, 2014 - 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 Withrow at 6:00 p.m.

B. ROLL CALL/PLEDGE OF ALLEGIANCE

Members Present: Ann Gorney, Pat Miller, Art Nash, Greg Withrow, Gary Anderson (alt)

Members Absent: Greg Bryan

Staff Present: City Planner Michael Spencer

C. INQUIRY INTO POTENTIAL CONFLICTS OF INTEREST

None.

D. APPROVAL OF AGENDA

The agenda was approved as presented.

E. APPROVAL OF MINUTES

1. Motion to approve or amend the March 26, 2014 meeting minutes.

Motion by Member Nash, second by Member Miller that the March 26, 2014 minutes be approved as presented.

Motion approved by unanimous voice vote.

F. NEW BUSINESS

1. Public Hearing for Project 2014-03 ZBA Variance Request from Ellen and Mark Trimper

Applicants: Ellen and Mark Trimper

Subject Property: 113 W. Lincoln Street

a. Staff Presentation

City Planner Mike Spencer provided a brief history of the property. He stated that the applicants wished to construct a 27' x 40' garage addition on the north side of the home in the front, side and rear yards. An existing shed is also proposed to be removed from the site, which is located in the northeast corner of the lot and sits on the east lot line. The existing driveway would be removed and a new driveway would be installed off of State Street, providing vehicular access to the new garage. The applicants preferred to add a 24' x 40' garage which puts them about 3' from the property line.

Planner Spencer stated that State Street is going to be redone in 2-3 years and the City will include a sidewalk. A 15' setback requirement was put in place because the City does not want people backing out of their garages and not being able to see people on the sidewalk. Planner Spencer presented one option which would require the applicants to receive a variance for a 20' wide garage (needing a one foot side variance) and extend the 27' to 30' which would give more room for a workshop in back. Planner Spencer stated that he hadn't talked to the applicants to see if they were supportive of that option. He stated that typically the Board will allow people to do a 2-car garage even if they have room for a 1-car garage without needing the variance. A typical 2-car garage is 24' x 24'. Option 3 would require a side and a rear yard variance.

b. Applicant Presentation

Mark Trimper, Applicant, stated that the shed currently in the back yard would be removed if the variance was granted. He stated that he would like the maximum garage length allowable. Mr. Trimper indicated that the 20' width would cause difficulty getting in and out of their current vehicles. He said that Staff's recommendation was 20' and he was asking for a compromise of 22' in width.

c. Call for Public Comments

None.

Planner Spencer cited examples of 20' wide garages which he felt gave enough room for two vehicles.

d. ZBA Determination of Findings of Fact

Member Gorney referenced the drawing with a 15' setback and noted that the house is 13'2" setback. She questioned why staff did not stay with that line to give them a little extra distance. Planner Spencer stated that the house was built before zoning rules and that 15' setback is average. Member Nash stated the rear yard setback is normally 25' and they were going down to 16' in Option 3. Planner Spencer stated that if they remove the existing driveway and the shed, then the lot coverage is just over 40%.

Member Nash questioned if the applicants had discussed any options with their neighbors, Joe and Mary Dixon. Mrs. Trimper stated when she talked to them they had no issues with the location of the garage and driveway thus the letter of opposition to their request was a surprise to the Trimpers.

Chair Withrow questioned if the Board received feedback to indicate that Staff's recommendation should be changed. Member Gorney stated she would like to know what the neighbors who submitted the letter of objection felt about the change from 20' to 22'. Chair Withrow indicated that it was the Board's duty to evaluate the ordinance requirements against the absolute need and minimize the variance to the extent possible.

Member Nash questioned why the applicants wanted a 40' long garage and were willing to accept 30' in length. Mr. Trimper stated that with the proposed width there was not room for storage space. The extra length would give them room for storage and enable them to remove the storage shed from the back yard. Discussion followed regarding allowing the garage to be 20' x 32'.

Planner Spencer stated that Condition 1 could be changed to: "The applicant is permitted to construct a 20' x 32' garage as depicted in Option 3" and the drawing could be modified.

e. Motion

Motion by Member Nash, second by Member Anderson to approve project 2014-03 ZBA with the Findings of Fact in the Staff report and with a change to Condition 1 to a 20' x 32' garage, and inclusion of Conditions 2 and 3 as written.

Yeas: Withrow, Gorney, Nash, Miller, Anderson
Nays: None

Mr. Trimper questioned if the Trimpers had discussed it with the neighbors and they had no objection to the 22' width would that have any bearing on the Board's decision. Planner Spencer did not think the Fire Chief would be supportive of the 22' width. Chair Withrow stated that the letter did not have a bearing on his decision, as it did not address the width.

G. CALL FOR GENERAL PUBLIC COMMENT

There were no members of the public present.

H. ADJOURNMENT

Motion by Member Miller, second by Member Nash, that the meeting be adjourned.

There were no objections.

The meeting was adjourned at 6:32 p.m.

Greg Withrow, Chair

Joyce Golding/fmg, City Clerk