

CITY OF CHARLEVOIX
ZONING BOARD OF APPEALS MINUTES
Wednesday, April 26, 2017 - 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: Greg Bryan, Pat Miller, Greg Withrow
Members Absent: Ann Gorney, Art Nash
Staff Present: Interim City Planner Zach Panoff

Chair Withrow indicated that had a quorum present.

C) INQUIRY INTO POTENTIAL CONFLICTS OF INTEREST

None.

D) APPROVAL OF AGENDA

No changes.

E) APPROVAL OF MINUTES

Motion by Member Withrow, second by Member Miller to approve the March 22, 2017 meeting minutes as presented.
Motion passed by unanimous voice vote.

F) OLD BUSINESS

None.

G) NEW BUSINESS

1. Public Hearing for Project 2017-04 ZBA. Variance request from Robert and Carol Nelden – 102 Elm Street

a. Staff Presentation

Interim Planner Panoff stated that the property owners, Robert and Carol Nelden, were requesting a dimensional variance and lot coverage variances to enlarge and attach an existing accessory structure to the primary structure on the site. The property owners wish to construct a 5.5' x 20' addition to the north side of the garage, and a new breezeway that would connect the garage to the home and wrap around the side of the primary structure. This would result in a condition where the attached accessory structure would be 6' from the rear property line, lot coverage would increase from 40.9% to 50.2%, and the rear yard lot coverage limit would be 38.5% which is over the maximum allowed of 25%. The property owners were requesting the variances for accessibility issues and to expand storage space in the garage.

b. Applicant Presentation

Jodi Alger Bergmann, representing Robert & Carol Nelden, stated that the current layout does not make sense for having to get to the garage from the side door. She stated that there were bedrooms in the back, it was poorly laid out to even walk through there which is why they wanted a covered porch, but by attaching it they would be encroaching on the rear yard coverage limit. She stated that they have letters of support from the neighbors. She noted that the developer had kept the buildings 10' apart because of the fire code, so once they attach the buildings the owner would have to add fire rated drywall on the inside of the garage.

Mr. Nelden stated that they thought that having the walkway and attached garage would be great. He felt that the wrap around porch would look good and their neighbors were supportive of the project. He noted that expanding the garage would allow for two cars to be parked in the garage.

Chair Withrow stated that this particular parcel came before the Board in the past and originally they tried to build condominiums on the site which were denied because the property was zoned R-1. In 1997, the Zoning Board looked at this site again and the Board liked the design suggesting that they do six units instead of eight, but they built it to the maximum allowed. He stated that it was not like the previous houses that were built in the 1950's or 1960's when there wasn't a Zoning Ordinance. He stated that it puts them in a very poor position when reviewing this issue. Chair Withrow commented that the design was great and he understands why they want to make the

improvements, but the problem he had was that they were going to continue to reduce the amount of green space in that area. He felt that it was not right because there were no exceptional circumstances.

Member Miller agreed and she commented that it was logical what they wanted to do. However, she felt it was a lot of house on a small space and bringing it closer to the lot line is not a precedent that she wanted to set. She understands about the garage, but the owners knew it wasn't attached when they bought the property and to allow them to connect it gives license to the other properties to do the same thing.

Member Byran stated that he was not opposed to the improvements, but the point was if this house was built on a 60' lot in the 1950's and then they wanted to expand it, the zoning then is different than the zoning now. He stated that even if they wanted to approve it he felt they could not justify it.

Mr. Nelden stated that he could build the porch along the side of the house because it was within the setback. He commented that you could have a 6' or 10' setback behind a detached garage, but "if you attach it, it has to be 25' or whatever the number is". He stated that he was already covering the property and the only thing that would change is putting the roof between the house and the garage which is still a breezeway. He stated that there is a walkway between the house and garage now and the footprint was already there and he didn't understand the detached vs. attached garage issue. He asked if he could have a 2-story detached garage. Interim Planner Panoff replied that a full second story would not be allowed, but adding attic space would be allowed.

Mrs. Nelden stated that this was their first winter in Charlevoix and the original reason for connecting the two structures was for her. She stated that she had two artificial hips and had fallen before. She felt it was to provide a safer way for her to get from the garage to the side of the house. She questioned whether the Board had any other suggestions as to how they could get a walkway from the garage. The Board discussed options among themselves for a solution to this situation (unintelligible.)

c. Call for Public Comments

None.

d. ZBA Determination of Findings of Fact

No further comments.

e. Motion

Motion by Member Miller, second by Member Bryan to deny Project 2017-04 ZBA based on the findings of fact contained herein that demonstrate that the variance application does not meet the requirements under Section 5.178.

Yeas: None

Nays: Bryan, Miller, Withrow

Motion failed. No action taken.

Clerk's Note: After discussion with the Interim City Planner, it was determined that the Board wished to deny the variance and that the failed motion was unintentional. This matter will be readdressed at the next meeting.

H) CALL FOR GENERAL PUBLIC COMMENT

None.

I) ADJOURNMENT

Motion by Member Miller, second by Member Bryan to adjourn the meeting. Motion passed by unanimous voice vote. Meeting adjourned at 6:28 p.m.

Greg Withrow, Chair

Joyce Golding/fgm, City Clerk