

CITY OF CHARLEVOIX ZONING BOARD OF APPEALS MINUTES
Wednesday, July 29, 2009 - 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 Chairperson Withrow at 6:05 p.m.

B) ROLL CALL

Members Present: Gary Anderson, Mary Eveleigh, Patricia Miller, Greg Withrow and Alternate Larry Sullivan
Members Absent: June Cross and Alternate Kim VanMeter-Sanderson
Staff Present: City Planner/Zoning Administrator Mike Spencer

Member Eveleigh wished the record to reflect that she was not in attendance at the June 24th meeting as she had recuse herself, due to private interest, at the Board's May 20th meeting. She would like the minutes to reflect why she was absent.

C) INQUIRY INTO POTENTIAL CONFLICTS OF INTEREST

Member Eveleigh asked to recuse herself, due to private interest,

Alternate Sullivan was designated as a voting Board member.

D) APPROVAL OF AGENDA

The Board approved the agenda as presented.

E) APPROVAL OF MINUTES

1. Motion to approve or amend June 24, 2009 meeting minutes.

Planner Spencer reviewed the amended minutes with the Board. The minutes reflect requested changes by the Assistant City Attorney. The Board reviewed the draft minutes and discussed possible amendments.

Member Sullivan asked that the first line of General Facts on page 2 be revised to read Zoning Permit #2850. He also asked that the second line on Page 3 be amended to read "footprint of approximately 3725".

Member Sullivan asked that the second bullet on page 3 be revised to read:

- The proposed construction plans show that the single-family dwelling and the accessory building were to be joined in three different ways: (1) basement level 3 of the single-family dwelling are joined to the accessory building through the proposed underground structures, (2) basement level 2 of the single-family dwelling is joined to the accessory building by a breezeway, and (3) basement level 1 of the single-family dwelling is joined to the accessory building by a terrace. (Exhibit 9)

Traver Wood advised the Board that the items being corrected are the City Planner's findings of fact that were approved at the meeting. Chairman Withrow stated that the Board is merely correcting typographical items.

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Member Sullivan asked that the eighth bullet on page 3 be revised to read:

- The public hearing was scheduled for May 20, 2009 at 6PM and notice for the hearing was published in the Charlevoix Courier on April 29, 2009. Notice of the public hearing to property owners within 300 feet were noticed on May 4, 2009. Packets were provided to the ZBA and all parties on May 14, 2009.

The Assistant City Attorney requested the following amendments to the minutes:

The first full line of Page 4 was amended to read:

The Board reviewed nine issues. The Board discussed each issue separately.

The motion on page 5 is amended to add the words "Regarding the appeal". The motion shall read:

Regarding the appeal, motion made by Member Miller and seconded by Member Anderson that the Board finds that Zoning Permit #2850 does not violate Section 5.174 of the zoning ordinance based on the following facts:

The first line on Page 6 to be revised to read:

The Zoning Board of Appeals reviewed the second issue.

Member Sullivan requested the first paragraph under item B to be revised to read:

The Board reviewed the proposed findings of fact language and makes the following findings of fact concerning the Applicants' requests for interpretation:

The Assistant City Attorney requested that the following amendments be made:

The Board's action on the issue B in the seventh paragraph on Page 9 of the minutes to be revised to read

Concerning the appeal, the Board agreed by consensus that the Board finds that Zoning Permit #2850 violates 5.5(10) of the zoning ordinance based on the following facts:

The word "appeal" to be replaced by the word "issue" in the last sentence on page 9.

Member Sullivan asked that the first sentence on page 10 to be revised to read:

The Board reviewed the proposed findings of fact language and makes the following findings of fact concerning the Applicants' requests for interpretation:

The Board corrected the spelling of "college" on Page 11.

The Assistant City Attorney requested that the third paragraph of page 12 of the minutes to read

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Concerning the appeal, the Board agreed by consensus that it finds that the proposed accessory building is an attached accessory building and that as a result zoning permit #2850 does not violate Section 5.32(8) of the zoning ordinance based on the following facts:

The Assistant City Attorney requested the following changes:

The word "appeal" to be replaced by the word "issue" in the fourth paragraph on page 12.

The phrase "concerning the appeal" to be added at the beginning of the second paragraph on Page 13. The sentence to read:

Concerning the appeal, the Board unanimously agreed that the Board finds that Zoning Permit #2850 does not violate Section 5.32(1) of the zoning ordinance based on the following facts:

The word "appeal" to be replaced by the word "issue" in the third paragraph on page 13.

The phrase "concerning the proposed" to be added at the beginning of the seventh paragraph on Page 14. The sentence to read:

Concerning the proposal, the Board unanimously agreed that the Board finds that Zoning Permit #2850 does not violate Section 5.176 (1) of the zoning ordinance based on the following facts:

The word "appeal" to be replaced by the word "issue" in the first paragraph on page 15.

The first paragraph under issue F to be amended to read:

Assistant City Attorney Graham advised the Board that issue F deals with the accessory building attachment issues, which were previously addressed in issue C, so basically all the Board has to do is incorporate its findings under issue C.

The word "appeal" to be replaced by the word "issue" in the fourth paragraph on page 15.

The phrase "concerning the appeal" to be added at the beginning of the first paragraph on Page 17. The sentence to read:

Concerning the appeal, the Board finds that Zoning Permit #2850 does not violate Sections 5.5(1a) and 5.190 of the zoning ordinance based on the following facts:

The Board allowed the standards of Section 5.190 to be added to paragraph b on Page 17.

The Assistant City Attorney requested the following changes:

The word "appeal" to be replaced by the word "issue" in the second paragraph on page 17.

Page 21 to be revised to reflect Mr. Graham as the Assistant City Attorney.

