



**VILLAGE OF SUTTONS BAY  
ZONING BOARD OF APPEALS**

Wednesday, February 15, 2023 5:30 PM

Suttons Bay Village Hall

420 N. Front Street

Suttons Bay, MI 49682

**AGENDA**

1. Call to Order
2. Roll Call and Notation of Quorum
3. Approval of the Agenda
4. Approval of Meeting Minutes-November 16, 2022
5. A. Election of Officers  
B. Variance Request for 379 S Shore-To Consider a Rehearing Application
6. Public Comment/Written Communications (concerning items not on the agenda)
7. Adjournment

If you are planning on attending this meeting and are disabled requiring any special assistance, please notify the Village Clerk by calling 231.271.3051 or by email [suttonsbay@suttonsbayvillage.org](mailto:suttonsbay@suttonsbayvillage.org) as soon as possible.



VILLAGE OF SUTTONS BAY  
ZONING BOARD OF APPEALS  
MEETING MINUTES OF NOVEMBER 16, 2022

The meeting was called to order at 5:30 p.m. by Chairperson Popke.

Present: Jelenik, Perkins, Popke and Smith

Quorum present

Absent: Bahle

Staff present: Fay

Approval of Agenda

Smith moved, Perkins seconded, CARRIED, to approve the agenda as presented.

Ayes: 4, No: 0.

Approval of Minutes

Jenenik moved, Smith seconded, CARRIED, to approve the ZBA meeting minutes of October 19, 2022. Ayes: 4, No: 0.

The meeting adjourned at 5:40 p.m.

Meeting minutes submitted by Shar Fay, Clerk.

MAURICE A. BORDEN  
JEFFREY L. JOCKS  
KARRIE A. ZEITS

RONALD W. SONDEE, OF COUNSEL  
JOHN P. RACINE, JR., OF COUNSEL  
W. PETER DOREN, OF COUNSEL

310 WEST FRONT STREET  
SUITE 300  
TRAVERSE CITY, MICHIGAN 49684  
TEL (231) 947-0400  
FAX (231) 947-0748  
www.sondetracine.com

## MEMORANDUM

To: Village of Suttons Bay Zoning Board of Appeals  
From: Karrie A. Zeits  
Date: February 10, 2023  
Re: Variance Request for 379 S. Shore Drive

On October 19, 2022, the Zoning Board of Appeals (ZBA) denied a variance request to construct an attached garage for property located at 379 S. Shore Drive. The variance request was as follows:

1. Request for variance from the front yard setback from 25 feet to 6.5 feet.
2. A 0.75 variance from the side yard setback from 15 feet to 14.25 feet.
3. A 3.3 variance from the Lake Michigan setback from 50.0 feet to 46.7 feet.

On December 7, 2022, a “new application” was submitted. This application removes the side yard setback variance request by removing a foot of the proposed garage and increases the front and Lake Michigan setback variance requests<sup>1</sup>. The structure has also been modified to reduce the overhang on the front of the garage. The variance requests are now as follows:

1. A 19 feet variance of the front yard setback from 25 feet to 6 feet.
2. A 24.9 variance from the Lake Michigan setback from 50 feet to 25.1 feet<sup>2</sup>.

The proposed structure creating the need for the variance, a garage with living quarters, remains the same other than the reduction from 26 feet x 25 feet to 25 feet to 25 feet to remove the need for the variance from the side yard setback.

Section 17-10 of the Village’s Zoning Ordinance provides as follows:

A. Rehearing. A rehearing on an application denied by the Zoning Board of Appeals shall not be considered, except upon the grounds of newly discovered evidence, a falsehood previously relied upon that is discovered to be valid by the Board, or a material change in circumstances as found to exist by the Board. A rehearing shall be processed in the same manner as the

<sup>1</sup> The application also appears to assert that a variance is not needed because the proposed expansion falls within Section 19-5, B-2. This memo does not address this assertion because whether this is the case is initially for the Village Zoning Administrator to determine.

<sup>2</sup> Measuring from the highwater mark, the actual variance requested is 18.5 feet into the waterfront setback.

original application, including payment of the required fee.

B. Reapplication. An application for a variance, interpretation or appeal that has been denied, wholly or in part, by the Board shall not be resubmitted for a period of one year from the date of the last denial, except on proof of *changed material conditions*, found by the Board to be valid. (Emphasis supplied).

As set forth in Section 17-10 B a reapplication for a variance that has been denied in whole or in part cannot be resubmitted for a period of one year from the date of denial. The “new” application seeks a variance from the front yard and Lake Michigan setbacks like the prior application. Thus, per Section 17-10 B, the application is barred unless the Zoning Board determines there has been “changed material conditions.”

The issue is then whether the ZBA believes the (1) removal of the request for a side yard variance, (2) the increase in the requested variances from the front yard and Lake Michigan setbacks, and (3) the reduction of the overhang on the front of the garage constitute “changed material conditions.”

The Zoning Ordinance does not define “material.” Black’s Law dictionary defines “material” as “[i]mportant; more or less necessary; having influence or effect; going to the merits; having to do with the matter.” Black’s Law, Revised 4<sup>th</sup>. Merriam Webster defines material in relevant part as “having real importance or great consequences.” <https://www.merriam-webster.com/dictionary/material>.

There is no indication in the ZBA’s decision with respect to the variance request that the need for the variance from the side yard setback was the influencing factor or really important or of great consequence in the ZBA’s decision. Nor is there any indication in the ZBA’s decision that the amount of the requested variances from the Lake Michigan or front yard setbacks was the influencing factor or really important or of great consequence in the ZBA’s decision. Importantly for purposes of considering the new application, there was no indication the ZBA believed the requested variances should be greater than requested in the application denied on October 19, 2022. And there was no indication in the decision the size of the front overhang was really important or of great consequence. In fact there is no reference to the side yard setback, the size of the setbacks requested, or the overhang and their effect on the ZBA’s determination.

However, per Section 17-10 B of the Zoning Ordinance, the determination of whether there has been changed material conditions is the ZBA’s determination to make. Thus, the ZBA should determine whether the removal of the need for the side yard setback variance along with the increase in the size of the front yard and Lake Michigan setbacks and reduction in overhang are material changed conditions that would justify a rehearing of the “new” application. If so, a public hearing on the revised application should be set. If not, the applicant must wait until after October 19, 2023, to apply for a variance for the garage with living quarters.

I will be in attendance at the ZBA’s meeting on February 15, 2023.



To: Village of Suttons Bay Zoning Board of Appeals

From: Steve Patmore, Zoning Administrator

Date: February 10, 2023

Re: Variance Request for 379 S. Shore Drive – February 15, 2023 ZBA Meeting.

**Per the memo from the Village of Suttons Bay Attorney, the purpose of this February 15, 2023 Village of Suttons Bay ZBA meeting is to determine if there are “material changed conditions” between the two applications submitted for variances.**

The purpose of this memo is to:

1. Address the applicant’s attorney’s suggestion that a variance is not really necessary.
2. Compare the October 19th Variance Site Plan with the December 7<sup>th</sup> Site Plan.
3. Provide a format for ZBA action at their February 15<sup>th</sup> meeting.

**Item 1- Is a variance really needed per Section 19.5.B.2?**

The letter received from the applicant’s attorney states that “On the other hand, the applicant’s desire to fully comply with Section 19.5 B2, which would indicate that the expansion is permissible, and no variance request is needed.”

So does the applicant’s request comply with Section 19-5.B.2. ?

Section 19-5.B.2 addresses expansion of a non-conforming structure, and states:

*A non-conforming building or structure may be expanded within the existing setback area, provided it meets the following:*

- a. The expansion is located no closer to the applicable lot line than two-thirds (2/3) of the setback area, as measured from the lot line, and no closer to the lot line than the current building line.*
- b. Structures, after any enlargement or alteration, shall meet the lot coverage standards for the zoning area.*

**Shoreline Setback:** The required Lake Michigan Setback is 50 feet.

Two-thirds of that distance is 33.5 feet, measured from the line, which is the historic high water mark per Section 7.3.B.

So an existing non-conforming building could be expanded up to a lake setback of 33.5 feet without a variance, provided the other conditions are met.

**The requested Lake Michigan Setback in the Site Plan is measured at 18.5 feet, which is closer to the high water line than the 33.5 feet allowed. Therefore, the application does not meet Section 19-5.B.2.**

**Front Setback:** The required Front Setback is 25 feet in the SFWR District. Two-thirds of that distance is 16.75 feet, measured from the road right-of-way line. So an existing non-conforming building could be expanded up to a setback of 16.75 feet without a variance, provided the other conditions are met. **The requested Front Setback on the Site Plan is listed at 6.0 feet, which is closer to the line than the 16.75 feet allowed. Therefore, the application does not meet Section 19-5.B.2.**

**Item 2- Comparison of the two ZBA Applications submitted by Michael Sanocki**

Below is a table summarizing the differences found between the two Site Plans.

The two applications both reference incorrect interpretations of where setbacks are measured from. So, the zoning ordinance was researched and the table below reflects the following:

- A. All setbacks are measured to eave lines, not the building walls. (the original application indicated setbacks from building walls)
- B. The Front Setback is measured from the road right-of-way line. (Table 4-2) The Applicant’s attorney maintains in his letter that the Front Setback should be measured from the centerline of the road. Figure 4-2 clearly illustrates that it should be measured from the right-of-way line.
- C. The Lake Michigan Setback is measured from the Lake Michigan Historic High Water Elevation, (582.3 feet IGLD 1985) per Section 7.3.B. In this case, according to the Site Plan, the Historic High Water Elevation falls on the face of the seawall. The October application incorrectly references a setback distance from a historic legal description, and the December application incorrectly references a setback from the existing shoreline.

**Comparison of the two Site Plans submitted with the Applications**

	<b>October 19<sup>th</sup> Application</b>	<b>December 7<sup>th</sup> Application</b>
<b>Proposed building addition size:</b>	26' x 25' + front entry	25' x 25' + front entry
<b>Proposed building overhangs:</b>	4.5' front overhang, 2' east side	1' overhang around perimeter
<b>Front Setback:</b>	2' to eave at SE corner 5.5' to eave at entry	Approx. 6.5' to eave at SE corner 6' to eave at entry.
<b>Proposed Lake Michigan Setback</b>	18' to eave @ NW corner	Approx. 18.5' to eave at NW corner
<b>Proposed Side Setback (East)</b>	12' to eave line	15' to eave line (meets setback)

Summary of differences between the two Site Plans:

- Building size reduced from 26' x 26' to 26' x 25'.
- Building shifted to eliminate the side variance request.
- The front eave line was reduced.

### **Item 3- Requested Action**

According to the Village Attorney's memo, the Village of Suttons Bay ZBA must determine whether there are changed material conditions in the December 7, 2022 application compared to the previous application.

***Remember, on February 15<sup>th</sup> you are not acting on the variance request itself, just whether there are changed material conditions.***

- If the ZBA finds that there are changed material conditions, then a Public Hearing would be scheduled for the variance request.
- If the ZBA finds that there are not changed material conditions, then according to the memo, the applicant could re-apply again after October 19, 2023.

To assist you, she noted the following in the memo to use as findings:

- In the ZBA's previous decision on the variance request, was the need for the side yard setback variance an influencing factor, really important, or of great consequence in their determination? (yes/no)
- In the ZBA's previous decision on the variance request, was the amount of the variance requested from the Lake Michigan or front yard setback variance an influencing factor, really important, or of great consequence in their determination? (yes/no)
- In the ZBA's previous decision on the variance request, was the amount of the front overhang an influencing factor, really important, or of great consequence in their determination. (yes/no)
- Other findings:

***Motion that the Village of Suttons Bay Zoning Board of Appeals finds that the December 7, 2022 application (does/does not) represent changed material conditions from the application denied by the ZBA on October 19, 2022, based upon the findings listed above.***

Dec 7, 2022



Office of Planning and Zoning  
420 N Front Street  
P O Box 395  
Suttons Bay, MI 49682  
231-271-3051 or 231-392-5828  
[zoning@suttonsbayvillage.org](mailto:zoning@suttonsbayvillage.org)

**ZONING BOARD OF APPEALS APPLICATION**

FEES: VARIANCE: \$500 Paid: \_\_\_\_\_ Check # \_\_\_\_\_  
NON-CONFORMING USE: \$500 Paid: \_\_\_\_\_ Check # \_\_\_\_\_

Date Rec. \_\_\_\_/\_\_\_\_/\_\_\_\_ Hearing Date \_\_\_\_/\_\_\_\_/\_\_\_\_  
*Above is for office use only*

**IMPORTANT PLEASE READ THE FOLLOWING:**

1. Appeal applications must be submitted in the name of the owner of the property. The owner may be represented by another person, such as, but not limited to; a builder, potential buyer, attorney, or architect.
2. Applications must be signed by the owner. If represented by an authorized agent, he/she must sign also.
3. To process your application, a survey drawn by a professional surveyor (SEE REQUIREMENTS FOR MAKING APPLICATION), must be submitted to the Office of Planning and Zoning thirty (30) days prior to the scheduled Appeals Board meeting at which you wish to appear. The Appeals Board meets on the third Wednesday of each month.
4. The owner is bound by the commitments, concessions and agreements made by their representative/authorized agent.

Owner(s) Name: MICHAEL SANOCKI Phone Number: (231) 590-3644  
 Address: 8111 BURT ROAD BIRCH RUN, MI 48415  
 Email: michael.sanocki@gmail.com  
 Authorized Agent's Name: ANDREW BLODGETT (231) 486-4537  
 Address: 901 S. GARFIELD AVE, SUITE 200 Phone Number: (231) 929-4878  
 Email: TRAVERSE CITY, MI 49686 ablodgett@parkerharvey.com  
 Property Identification Number (PIN): 45-043-828-036-00  
 Property Location (address if available): 379 SOUTH SHORE DRIVE  
SUTTONS BAY, MI 49682

PAID

**Type of Request** \_\_\_\_\_

- Variance  Special Land Use Denial  Temporary Use  Conditional Use  
 Site Plan Review Denial  Non-conforming Use  Special Exception  
 Interpretation  Other - specify \_\_\_\_\_

Section of Ordinance Applicable (office use only) \_\_\_\_\_

If this request is for an appeal from determination by the Zoning Administrator, date of denial: \_\_\_/\_\_\_/\_\_\_

Have any previous applications regarding this property been submitted to the Board of Appeals?

Yes.  No. If yes, what was the description of the prior request? Setback variance for attached  
garage.

Is the subject property  Unplatted  Platted - If Platted, give name of Plat. \_\_\_\_\_

**Describe the request being made with reasons that include the peculiar or unusual conditions which are present. Depict the hardship(s) which will result if the variance is not approved. (Please attach separate sheets if necessary):**

The size, shape and other physical features of the property create a hardship in regard to the  
required setbacks due to the fact that the lot is nonconforming.

Signature of Owner \_\_\_\_\_ Date \_\_\_/\_\_\_/\_\_\_

Signature of Authorized Agent \_\_\_\_\_ Date \_\_\_/\_\_\_/\_\_\_

*~for office use only~*

A copy of the site plan and other pertinent information was sent to the following agencies for review and comment:

Leelanau County Road Commission  Leelanau County Soil/Erosion Department

Leelanau County Fire Department  Township Engineer

Others \_\_\_\_\_

**ACTION TAKEN:**  Approved  Approved w/ conditions  Denied

**Note: APPROVALS BY THE BOARD OF APPEALS ARE VOID UNLESS THE CONSTRUCTION AUTHORIZED BY SUCH A VARIANCE HAS RECEIVED A LAND USE PERMIT WITHIN ONE YEAR.**





December 7, 2022

Leslie Couturier  
c/o Steve Pattmore, Zoning Administrator  
Village of Suttons Bay

*Via Hand Delivery*

RE: 379 S. Shore Drive, Suttons Bay, MI 49682  
Our File No. 3102.00

Dear Ms. Couturier:

I am writing this letter to accompany the new application for a variance request sent by beag haus LLC on behalf of Michael Sanocki.

First, please know that this is a new variance request, not a re-application for the request before the ZBA previously. The prior request, denied by the ZBA, sought three dimensional variances; from the Lake Michigan setback, from the front yard setback, and from the side yard setback of the property's eastern boundary. This new application removes the request for the side yard setback by altering the proposed garage on that side.

The lack of a need for a variance from the side yard setback is exceedingly important. As you know, the location of the current house structure is a lawful non-conforming structure because it encroaches on the Lake Michigan and front yard setbacks. A request for a variance from the side yard setback would increase the nonconforming nature of the structure, by adding a new nonconformity. The current request adds to the structure but does not create a new encroachment and does not encroach closer to Lake Michigan or closer to the road than the existing structure.

On the Lake Michigan side the addition is an extension of the line of the wall of the existing structure. Due to the layout of the shoreline<sup>1</sup>, the majority of the addition is further away from Lake Michigan than the existing structure. Certainly all components of the new addition are further away from the water than the deck on the existing structure.

Likewise, the new addition continues on the same line on the front of the house as the existing structure. As with the rear of the house, the proposed addition sits farther away from the road than the existing deck.

---

<sup>1</sup> As discussed with the prior application, there is no definition of "Lake Michigan" given in the ordinances for a determination of the Lake Michigan setback.

Taken as a whole, this proposed new addition does not make the overall structure closer to the road or closer to the water. It does not (unlike the prior request) create additional nonconformities.

This property is both a nonconforming lot<sup>2</sup> and contains a nonconforming structure<sup>3</sup>. The pertinent governing ordinance is § 19-5 B-2, which states:

A nonconforming building or structure may be expanded within the existing setback area, provided it meets the following:

- a. The expansion is located no closer to the applicable lot line than two-thirds (2/3) of the setback area, as measured from the lot line, and no closer to the lot line than the current building line.
- b. Structures, after any enlargement or alteration, shall meet the lot coverage standards for the zoning area.

The applicable measurements when evaluating the expansion of a nonconforming building are the lot lines. Regarding the front yard setback, the entire structure is more than 33 feet from the lot line (roughly defined as the centerline of South Shore Drive). Thus, there is no need to even calculate the two-thirds distance specified in the Ordinance. Regarding the Lake Michigan side, the original deed line is shown on the attached sketch. If the 50-foot Lake Michigan setback is applied, two-thirds of that setback is 33.3 feet. The proposed addition is more than 33 feet away from the original lot line.

The other components of § 19.5 B2 are also met. The addition is no closer to either lot line than the current building line. Note that the word "building" as defined by the Ordinances includes decks. Looking at the sketch it is easy to see that the proposed addition is neither closer to Lake Michigan nor the road than the decks on the existing structure. Likewise, the structure, including the addition, does not exceed the lot coverage standard for the zoning area.

There is some discrepancy present in this application. On one hand, the applicant is seeking to build beyond defined setbacks, so two variances are perhaps needed. On the other hand, the applicant's desired changes fully comply with §19.5 B2, which would indicate that the expansion is permissible, and no variance request is needed. At any rate, the nonconforming nature of both the lot and existing building must be considered by the ZBA in its determination of this application. The nonconformity present here (as present in most of the neighboring lots and structures) is the lens through which this application should be reviewed. Knowing that the requested expansion

---

<sup>2</sup> The Zoning Ordinance defines a nonconforming lot as "a lot lawfully existing on the effective date of this ordinance, or its subsequent amendment, that does not meet the current area and/or dimensional requirements of the Zoning District in which it is located." (See Ordinance, § 20-8).

<sup>3</sup> A nonconforming structure is "a structure or building lawfully constructed that does not conform to the requirements of the Zoning District in which it is located and existed prior to the effective date of this Ordinance." (See Ordinance, § 20-8). The existing building is lawfully nonconforming because it encroaches on the Lake Michigan and front yard setbacks.

December 7, 2022

Page 3

---

fully conforms with the specific section of the Zoning Ordinance governing nonconforming buildigns, and knowing that the request for a new variance (side yard setback) is removed from this new application, the request should be granted by the ZBA.

I would be happy to answer any questions and supply any desired additional information before the scheduled hearing and meeting on this request.

Sincerely,

A handwritten signature in blue ink that reads "Andrew J. Blodgett". The signature is written in a cursive style with a large initial "A".

Andrew J. Blodgett

AJB:jls

December 5, 2022

Leslie Couturier  
% Steve Patmore  
Zoning Administrator  
Village of Suttons Bay  
[zoning@suttonsbayvillage.org](mailto:zoning@suttonsbayvillage.org)

Re: 379 S Shore Drive, Suttons Bay, MI 49682

Dear Leslie,

Please see below for information related to the variance application at the above address. Let me know if there is anything else that you require.

1. We are requesting the following variance setbacks as shown on the site plan dated 08.11.22.
  - A 19.0' variance of the Front Yard Setback from 25.0' to 6.0'.
  - A 24.9' variance of the Lake Michigan Setback from 50.0' to 25.1'.
2. We believe that the requested variance does meet the "Standards for Dimensional Variances" per Section 17-6.A.1 of the zoning ordinance.
  - a. The need for the requested variance is due to the unique shape and shallowness of the property and also the proximity to Lake Michigan. There is also a right of way between S Shore Drive and the applicant's property that further reduces the buildable area on the property. This is not due to the applicant's personal or economic hardship.
  - b. The need for the requested variance is not the result of actions of the current property owner/applicant.
  - c. Compliance with the zoning setbacks will prevent the property owner from using property for a permitted purpose (Garage). The setbacks will only allow a buildable area of 51 square feet.
  - d. Granting the requested variance would allow for the applicant to build an attached garage. The garage will allow the applicant additional storage space, especially during the winter months. The garage will be consistent with the design of the house and with the size and character of neighboring houses.
  - e. The requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood. We believe that the requested variance will allow for a residence that is in line with other homes in the zoning district and with the overall design of the existing property.
3. The height of the proposed addition will be 19'-7". The height of the existing house is 22'-3".

Best Regards,



**Marc O'Grady, CPBD, AIBD**  
Partner  
beag haus, LLC



**Dwayne Johnson**  
Partner  
beag haus, LLC







VILLAGE OF SUTTONS BAY  
ZONING BOARD OF APPEALS  
MEETING MINUTES OF OCTOBER 19, 2022

The meeting was called to order at 5:33 p.m., by Vice-Chair Jelenik.

Present: Bahle, Jelinek, Perkins, Popke (arriving at 5: 43 p.m.), and Smith  
Staff: Fay and Steve Patmore, Zoning Administrator  
Guests: Marc O'Grady, Architect for Applicant

Approval of Minutes

Bahle moved, Jelinek seconded, CARRIED, to approve the February 16, 2022, Zoning Board of Appeal meeting minutes. Ayes: 4, No: 0.

Approval of Agenda

Smith moved, Perkins seconded, CARRIED, to approve the agenda as presented.  
Ayes: 4, No: 0.

Chairperson Popke arrived at 5:43 p.m. and assumed responsibility of conducting the meeting.

Appeal Request

A variance for property located at 379 S. Shore Drive, Parcel ID# 043-828-036-00, located in the Single-Family Waterfront District has been requested by applicant Michael Sanocki. Specifically, the request is for a variance from the front yard setback from 25 feet to 7.5 feet; a 0.75 variance of the Lake Michigan Setback from 50.0 feet to 46.7 feet to construct an addition.

Zoning Administrator Patmore referred to the packet, and further acknowledged he was unable to find a definition of the Lake Michigan setbacks. Patmore and Marc O'Grady answered questions of the ZBA members.

The public hearing opened at 5:53 by Chairperson Popke. Popke acknowledged written public comments received from Angela and Alan Harris, and Jeremy Kane, relative to the variance request. Written public comments can be found in this meeting packet. Having heard no other public comments, the public hearing closed at 5:54 p.m.

The Zoning Board of Appeals considered the General Findings of Facts and determined all the General Findings of Facts to be true with the exception of:

- The request for variance from the front yard setback from 25 feet to 6.5 feet (not 7.5 feet)
- The request needs to reflect the eave lines, not edge of building.
- There is no definition in the ordinance for Lake Michigan setbacks.

The Zoning Board of Appeals considered the Findings the Facts on Standards for Dimensional Variances and determined:

- There *is* a unique circumstance associated with the property.
- This *is* a reasonable request. The request is not primarily for economic reasons.
- There *is not* another alternative available to the owner.
- The property owner *did* create the difficulty by prior actions. There was a garage on the property that was converted to living space.
- The request *does not* affect properties in the area and district.

The need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and not due to applicant's personal or economic hardship.

- The Zoning Board of Appeals finds that the Application *does not* meet this standard. The subject parcel is similar to other properties in the district.

That the need for the requested variance is not the result of actions of the property owner.

- The Zoning Board of Appeals finds that the Application *does not* meet this standard.

That strict compliance with regulations governing area, setback, frontage, height, bulk, density, or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

- The Zoning Board of Appeals finds that the Application *does not* meet this standard. The property is usable as a single-family residence.

Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to the other property owners.

- The Zoning Board of Appeals finds that the Application *does* meet this standard.

That the requested variance will not cause adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

- The Zoning Board of Appeals finds that the Application *does* meet this standard.

Bahle moved, Smith seconded, CARRIED to approve the General Findings as Facts as determined. Ayes: 5, No: 0.

Bahle moved, Smith seconded, CARRIED, to approve the Findings of Fact on Standards for Dimensional Variances as determined. Ayes: 5, No: 0.

Bahle moved, Smith seconded, CARRIED, to deny the Application submitted by Michael Sanocki for dimensional variances of the Front Yard, Side Yard, and Lake Michigan Setbacks for 379 S. Shore Drive, Suttons Bay, (Property No. 45-043-828-036-00) as shown on the Site Plans dated 8/11/2022. This decision is based upon the Application, Site Plans dated 8/11/2022, General Findings of Fact, Findings of Fact on Standards for Dimensional Variances, and public comment. Ayes: 5, No: 0.

The meeting adjourned at 6:45 p.m.

Meeting minutes submitted by Shar Fay, Clerk.



**VILLAGE OF SUTTONS BAY  
ZONING BOARD OF APPEALS**  
Wednesday, October 19, 2022 5:30 PM  
Suttons Bay Village Hall  
420 N. Front Street  
Suttons Bay, MI 49682

### **AGENDA**

For the public wishing to view the meeting using remote attendance, there will also be a Zoom link (which can be found on our website at [www.suttonsbayvillage.org](http://www.suttonsbayvillage.org)). Public participation shall be limited to in-person or via written communication received prior to the meeting.

1. Call to Order
2. Roll Call and Notation of Quorum
3. Approval of Past Meeting Minutes (02/16/2022)
4. Public Comment/Written Communications (concerning items not on the agenda)
5. Review for Member Conflict of Interest
6. Approval of Agenda
7. New Business
  - a. **Appeal Request:** A variance for property located at 379 S. Shore Drive, Parcel ID# 043-828-036-00, located in the Single-Family Waterfront District. Specifically the request is for a variance from the front yard setback from 25 feet to 7.5 feet; a 0.75 variance from the side yard setback from 15 feet to 14.25 feet; and a 3.3 variance of the Lake Michigan Setback from 50.0 feet to 46.7 feet to construct an addition.
8. Adjournment

If you are planning on attending this meeting and are disabled requiring any special assistance, please notify the Village Clerk by calling 231.271.3051 or by email [suttonsbay@suttonsbayvillage.org](mailto:suttonsbay@suttonsbayvillage.org) as soon as possible.





VILLAGE OF SUTTONS BAY  
ZONING BOARD OF APPEALS  
420 N FRONT ST  
SUTTONS BAY, MI 49682  
MEETING MINUTES OF February 16, 2022

The meeting was called to order at 5:31 p.m. by Chairperson Popke

Present: Karl Bahle, Marty Jelenik, Bill Perkins and Donna Popke  
Absent: Frank Smith

One guest was in attendance via ZOOM.

Staff Present: Petroskey and Couturier, Zoning Administrator

**Approval of Past Meeting Minutes (11/18/2020)**

Perkins moved, Bahle seconded, CARRIED, to approve the November 18, 2020, Zoning Board of Appeals, **minutes** with an affirmative unanimous vote. Ayes: 4, No: 0.

**Approval of Agenda**

Perkins moved, Jelenik seconded, CARRIED, to approve the agenda as presented, with an affirmative unanimous vote. Ayes: 4, No: 0.

**New Business**

**a. Review and Approval of 2022 Meeting Dates and Times.**

Bahle moved, Perkins seconded, CARRIED, to approve the 2022 Meeting Dates and Times as presented, with an affirmative unanimous vote. Ayes: 4, No: 0.

**b. Election of Officers; Chairperson, Vice-Chairperson, and Secretary.**

Bahle moved, Perkins seconded, CARRIED to maintain the current slate of officers, with an affirmative unanimous vote. Ayes: 4, No: 0.

The meeting was adjourned by Chairperson Popke at 5:36 p.m.

Meeting minutes submitted by Leslie Couturier, Zoning Administrator.



## Dorothy

---

**From:** suttonsbay@suttonsbayvillage.org  
**Sent:** Tuesday, October 11, 2022 1:29 PM  
**To:** Dorothy Petroskey  
**Subject:** FW: Comments for Oct 19 Zoning Bd of Appeals

Dorothy,

For the ZBA meeting. Thanks.

Shar Fay  
Village Clerk  
Village of Suttons Bay  
420 N Front St  
P O Box 395  
Suttons Bay, MI 49682  
231.271.3051

-----Original Message-----

**From:** Angela Harris <alangela@comcast.net>  
**Sent:** Tuesday, October 11, 2022 1:09 PM  
**To:** Village of Suttons Bay <suttonsbay@suttonsbayvillage.org>  
**Subject:** Comments for Oct 19 Zoning Bd of Appeals

We are the owners of 387 S. Shore Dr, immediately adjacent to the garage addition proposed for 379 S. Shore.

We support Michael Sanocki's variance request for his property.

Angela & Alan Harris

33A Oct 19

**suttonsbay@suttonsbayvillage.org**

---

**From:** Jeremy Kane <JKane@galapagosmarketing.com>  
**Sent:** Thursday, September 29, 2022 2:10 PM  
**To:** suttonsbay@suttonsbayvillage.org  
**Subject:** re: Variance request for 379 SOutH Shore Drive

Good afternoon:

I will not be able to attend the hearing scheduled for October 19<sup>th</sup>. From the site plan you sent, it appears that the new structure will be no closer to the road than the existing house structure on the parcel. If this is the case, then I have no objection. However, if there is an architectural rendering that is more illustrative of the impact, dimensions and positioning of the proposed garage/extension, I would like to see it so as to confirm I have no objections to its placement. Good that be provided prior to October 6<sup>th</sup>?

Thank you.

Jeremy

—  
  
JEREMY KANE  
Managing Partner

GALAPAGOS  
Adapt. Evolve. Thrive.

38 Fulton St. W., Ste 312  
Grand Rapids, MI 49503  
P 616.608.7359 | M 616.915.7274  
[GALAPAGOSMARKETING.COM](http://GALAPAGOSMARKETING.COM)



NEWCOMB EDWARD L TRUST ...  
PO BOX 489  
SUTTONS BAY, MI, 49682

SHULL STEPHEN R & LORETTA ...  
3808 WAXWING CT  
VALPARAISO, IN, 46383

SMITH TRACY  
172 OLD FIELD RD  
EAST SETAUKET, NY, 11733

ANDRESWS RICHARD B & KARI...  
PO BOX 425  
SUTTONS BAY, MI, 49682

HOUK COTTAGE TRUST  
2916 PICKWICK DR  
COLUMBUS, OH, 43221

NEWCOMB EDWARD L TRUST ...  
PO BOX 489  
SUTTONS BAY, MI, 49682

STURM HANS JORG TRUST  
PO BOX 261  
LELAND, MI, 49654

HERMANN EXCHANGE LLC  
5040 BLUE SPRUCE  
LAKE LEELANAU, MI, 49653

KANE JEREMY  
372 S SHORE DR  
SUTTONS BAY, MI, 49682

356 PROPERTIES LLC  
PO BOX 976  
SUTTONS BAY, MI, 49682

LEPOR BETTY TRUST  
170 BRIARWOOD DR  
LAPEER, MI, 48446

HODGES NATHAN W & CHERNY...  
1950 SANTA CRUZ  
MENLO PARK, CA, 94025

KRUMM MICHAEL A & HILARIE  
1251 SWEETWOOD DR  
OKEMOS, MI, 48864

HARRIS ALAN N & ANGELA  
2553 THORNAPPLE DR  
ANN ARBOR, MI, 48103

SANOCKI MICHAEL  
426 W TUSCOLA ST  
FRANKENMUTH, MI, 48734

SMITH TRACY A  
172 OLD FIELD RD  
EAST SETAUKET, NY, 11733

ANDRESWS RICHARD B & KARI...  
PO BOX 425  
SUTTONS BAY, MI, 49682

**VILLAGE OF SUTTONS BAY  
ZONING BOARD OF APPEALS**

**ZONING STAFF REPORT  
ON  
A REQUEST FOR DIMENSIONAL VARIANCES  
MICHAEL SANOCKI  
379 S. SHORE DRIVE, SUTTONS BAY**

**Prepared by Steve Patmore  
For Public Hearing on October 19, 2022**

**I. REQUEST**

Request by Michael Sanocki, 8111 Burt Road, Birch Run, MI 48415, for a dimensional variance of the Front, Side, and Lake Michigan Setbacks to construct an attached garage to the existing single-family residence on the parcel.

The specific request is as follows:

1. A 17.5' variance from the 25' Front Yard Setback. (from 25' to 7.5')
2. A 0.75' variance from the 15' Side Yard Setback. (from 15' to 14.25')
3. A 3.3' variance from the 50' lake Michigan Setback. (from 50' to 46.7')

**II. PROCESS**

The Zoning Board of Appeals has the authority to authorize specific dimensional variances from the requirements of the zoning ordinance if it finds, based upon competent material and substantial evidence following a public hearing, that all of the applicable standards of Section 17.6 have been met.

A request for a dimensional variance may be made by the owner of the property on which the variance would apply, or by a person authorized in writing by the owner to request the variance. The person requesting the variance shall file with the Administrator a completed application form furnished by the Village specifying the zoning ordinance provision from which the variance is being requested. The Administrator shall then transmit to the Zoning Board of Appeals the completed application concerning the variance request.

This Public Hearing has been noticed for the October 19, 2022 ZBA meeting.

**III. GENERAL FINDINGS OF FACT**

1. The subject property is located at 379 S. Shore Drive, Suttons Bay, MI 49682  
Property No. 45-043-828-036-00.
2. According to village and county records, the subject property is owned by Michael Sanocki, 8111 Burt Road, Birch Run, MI 48415.



3. The subject parcel currently contains a single-family home, and a detached shed.
4. The subject property is currently zoned Single Family Waterfront (SFWR).
5. The subject property contains 0.27 acres (approx. 11,760 square feet) according to the Leelanau County Equalization Parcel Viewer.
6. The current setbacks for the Single Family Waterfront (SFWR) District are:
  - Front Yard: 25 feet
  - Side Yard: 15 feet
  - Lake Michigan Setback: 50 feet from the Historic High Water Mark as defined.
7. According to the Site Plan, the existing single-family dwelling is non-conforming with the Front Yard and Waterfront Setbacks.
8. According to the Site Plan, there is 51 square feet of buildable area available on the east side of this parcel.
9. The property owner wishes to add an attached 26' x 29' attached garage.
10. The application shows a second story above the proposed garage, and the letter dated 9/01/2022 states that the addition will include additional living space.
11. The subject property is approved as a short-term rental by the Village of Suttons Bay. It is approved for 9 occupants, with 5 bedrooms. The approval includes occupant parking in the area where the garage addition is proposed.
12. Marc O'Grady is listed as an authorized agent for the Owner.

#### **IV. FINDINGS OF FACT RELATED TO STANDARDS FOR DIMENSIONAL VARIANCES:**

##### **SECTION 17-6.A.1. Standards for Dimensional Variances**

To obtain a variance from the dimensional requirements of this ordinance (area, setback, frontage, height, bulk, density or other dimensional requirements) the applicant must demonstrate that a practical difficulty exists by showing all of the following:

*Staff Note: All of these standards must be met in order to grant the variance. The ZBA can establish reasonable conditions and/or grant a lesser variance in order to meet these standards.*

*In general, these Standards require the ZBA to consider:*

- *Is there a unique circumstance associated with the property?*
- *Is the request reasonable? Is the request primarily for economic reasons/*
- *Are there other alternatives available to the owner?*

- *Did the property owner create the difficulty by prior actions?*
- *Does the request affect properties in the area and district?*

- a. The need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and not due to applicant's personal or economic hardship.

*The VSBZBA finds that the Application (meets/does not meet) this standard.*

Considerations:

1. The Applicant stated that the need is due to the unique shape and shallowness of the parcel, and that the need is not due to the applicant's personal or economic hardship.
2. The Site Plan shows that there is only 51 square feet of available building area east of the existing house.
3. Should the addition of living space to a short term rental be considered economic?

- b. That the need for the requested variance is not the result of actions of the property owner.

Considerations:

1. There is no evidence that any actions of the property owner created the non-conforming situation.
2. See Applicant's response in the application.

*The VSBZBA finds that the Application (meets/does not meet) this standard*

- c. That strict compliance with regulations governing area, setback, frontage, height, bulk, density, or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

Considerations:

1. The current setbacks prevent any usable addition to the existing house.
2. The property owner has an existing permitted use in the 5 bedroom home.
3. Is an attached garage a reasonable purpose?
4. Is additional living space a reasonable purpose?, especially considering that the existing dwelling is a short-term rental.
5. See Applicant's response in the application.

*The VSBZBA finds that the Application (meets/does not meet) this standard.*

- d. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to the other property owners.

Considerations:

1. See Applicant's response in the application.
2. Would a garage addition affect other property owners in the district?
3. Would expanding the short term rental affect other property owners in the district?

4. See Public Comment.

*The VSBZBA finds:*

- e. That the requested variance will not cause adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

Considerations:

1. See Applicant's response in the application.
2. Would a garage addition affect other surrounding property owners?
3. Would expanding the short term rental affect other property owners?
4. See Public Comment.

*The VSBZBA finds:*

**V. QUESTIONS/CLARIFICATIONS:**

1. Where will parking for the Short Term Rental be located if the addition is constructed?

**VII. POSSIBLE ACTION:**

Motion to approve the General Findings of Fact (as presented / as revised)

Motion to approve the Findings of Fact on Standards for Dimensional Variances as discussed tonight.

Motion to (approve / approve with conditions / deny) the Application submitted by Michael Sanocki for dimensional variances of the Front Yard, Side Yard, and Lake Michigan Setbacks for 379 S. Shore Drive, Suttons Bay, (Property No. 45-043-828-036-00) as shown on the Site Plans dated 8/11/2022. This decision is based upon the Application, Site Plans dated 8/11/2022, General Findings of Fact, Findings of fact on Standards for Dimensional Variances, and Public Comment.

**Subject to the following conditions: (if applicable)**

September 1, 2022

Leslie Couturier  
% Steve Patmore  
Zoning Administrator  
Village of Suttons Bay  
[zoning@suttonsbayvillage.org](mailto:zoning@suttonsbayvillage.org)

RECVD  
9/9/2022  
SP

Re: 379 S Shore Drive, Suttons Bay, MI 49682

Dear Leslie,

Please see below for information related to the variance application at the above address. Let me know if there is anything else that you require.

1. We are requesting the following variance setbacks as shown on the site plan dated 08.11.22.
  - A 17.5' variance of the Front Yard Setback from 25.0' to 7.5'.
  - A 0.75' variance of the Side Yard Setback from 15.0' to 14.25'.
  - A 3.3' variance of the Lake Michigan Setback from 50.0' to 46.7'.
2. We believe that the requested variance does meet the "Standards for Dimensional Variances" per Section 17-6.A.1 of the zoning ordinance.
  - a. The need for the requested variance is due to the unique shape and shallowness of the property and also the proximity to Lake Michigan. There is also a right of way between S Shore Drive and the applicant's property that further reduces the buildable area on the property. This is not due to the applicant's personal or economic hardship.
  - b. The need for the requested variance is not the result of actions of the property owner.
  - c. Compliance with the zoning setbacks will prevent the property owner from using property for a permitted purpose. The setbacks will only allow a buildable area of 51 square feet.
  - d. Granting the requested variance would allow for the applicant to build a garage with additional living space. The garage will allow the applicant additional storage space, especially during the winter months. The living space will be consistent with the design of the house and with the size and character of neighboring houses.
  - e. The requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood. We believe that the requested variance will allow for a residence that is in line with other homes in the zoning district and with the overall design of the existing property.
3. The height of the proposed addition will be 19'-7". The height of the existing house is 22'-3".

Best Regards,



Marc O'Grady, CPBD, AIBD  
Partner  
beag haus, LLC



Dwayne Johnson  
Partner  
beag haus, LLC



Office of Planning and Zoning  
 420 N Front Street  
 P O Box 395  
 Suttons Bay, MI 49682  
 231-271-3051 or 231-392-5828  
[zoning@suttonsbayvillage.org](mailto:zoning@suttonsbayvillage.org)

ZONING BOARD OF APPEALS APPLICATION			
FEES:	VARIANCE:	\$500	Paid: _____ Check # _____
	NON-CONFORMING USE:	\$500	Paid: _____ Check # _____

Date Rec. \_\_\_/\_\_\_/\_\_\_ Hearing Date \_\_\_/\_\_\_/\_\_\_  
*Above is for office use only*

**IMPORTANT PLEASE READ THE FOLLOWING:**

1. Appeal applications must be submitted in the name of the owner of the property. The owner may be represented by another person, such as, but not limited to; a builder, potential buyer, attorney, or architect.
2. Applications must be signed by the owner. If represented by an authorized agent, he/she must sign also.
3. To process your application, a survey drawn by a professional surveyor (SEE REQUIREMENTS FOR MAKING APPLICATION), must be submitted to the Office of Planning and Zoning thirty (30) days prior to the scheduled Appeals Board meeting at which you wish to appear. The Appeals Board meets on the third Wednesday of each month.
4. The owner is bound by the commitments, concessions and agreements made by their representative/authorized agent.

Owner(s) Name: MICHAEL SANOCKI Phone Number: (586) 899 - 0752

Address: 8111 BUET ROAD BIRCH RUN MI 48415

Email: MICHAEL.SANOCKI@GMAIL.COM

Authorized Agent's Name: BEAG HAUS (MALL O'GRADY / DWAYNE JOHNSON)

Address: 20400 Peckham St, Ashburn, VA 20147 Phone Number: (571) 215 - 9616

Email: MARC@BEAGHAUS.COM

Property Identification Number (PIN): 45-043-8 2 8 - 0 3 6 - 0 0

Property Location (address if available): 379 SOUTH SHORE DRIVE  
SUTTONS BAY, MI

49682

**PAID**  
 \$500



Type of Request VARIANCE

- Variance  Special Land Use Denial  Temporary Use  Conditional Use
- Site Plan Review Denial  Non-conforming Use  Special Exception
- Interpretation  Other - specify \_\_\_\_\_

Section of Ordinance Applicable (office use only): \_\_\_\_\_

If this request is for an appeal from determination by the Zoning Administrator, date of denial:  / /

Have any previous applications regarding this property been submitted to the Board of Appeals?

Yes  No If yes, what was the description of the prior request? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Is the subject property  Unplatted  Platted - If Platted, give name of Plat: \_\_\_\_\_

Describe the request being made with reasons that include the peculiar or unusual conditions which are present. Depict the hardship(s) which will result if the variance is not approved. (Please attach separate sheets if necessary):

We would like to build an attached garage at the above address. There is space for the addition but the zoning setbacks create a hardship by leaving only a sliver of land to build on. See included site plan with buildable area marked in green. There are several houses with garages on S Shore Drive that appear to be located within the current setback requirements

\_\_\_\_\_

Signature of Owner [Signature] Date 8/11/22

Signature of Authorized Agent [Signature] Date 8/11/22

*for office use only*

A copy of the site plan and other pertinent information was sent to the following agencies for review and comment:

- Leelanau County Road Commission  Leelanau County Soil/Erosion Department
- Leelanau County Fire Department  Township Engineer
- Others \_\_\_\_\_

ACTION TAKEN:  Approved  Approved w/ conditions  Denied

Note: APPROVALS BY THE BOARD OF APPEALS ARE VOID UNLESS THE CONSTRUCTION AUTHORIZED BY SUCH A VARIANCE HAS RECEIVED A LAND USE PERMIT WITHIN ONE YEAR.

# SITE PLAN

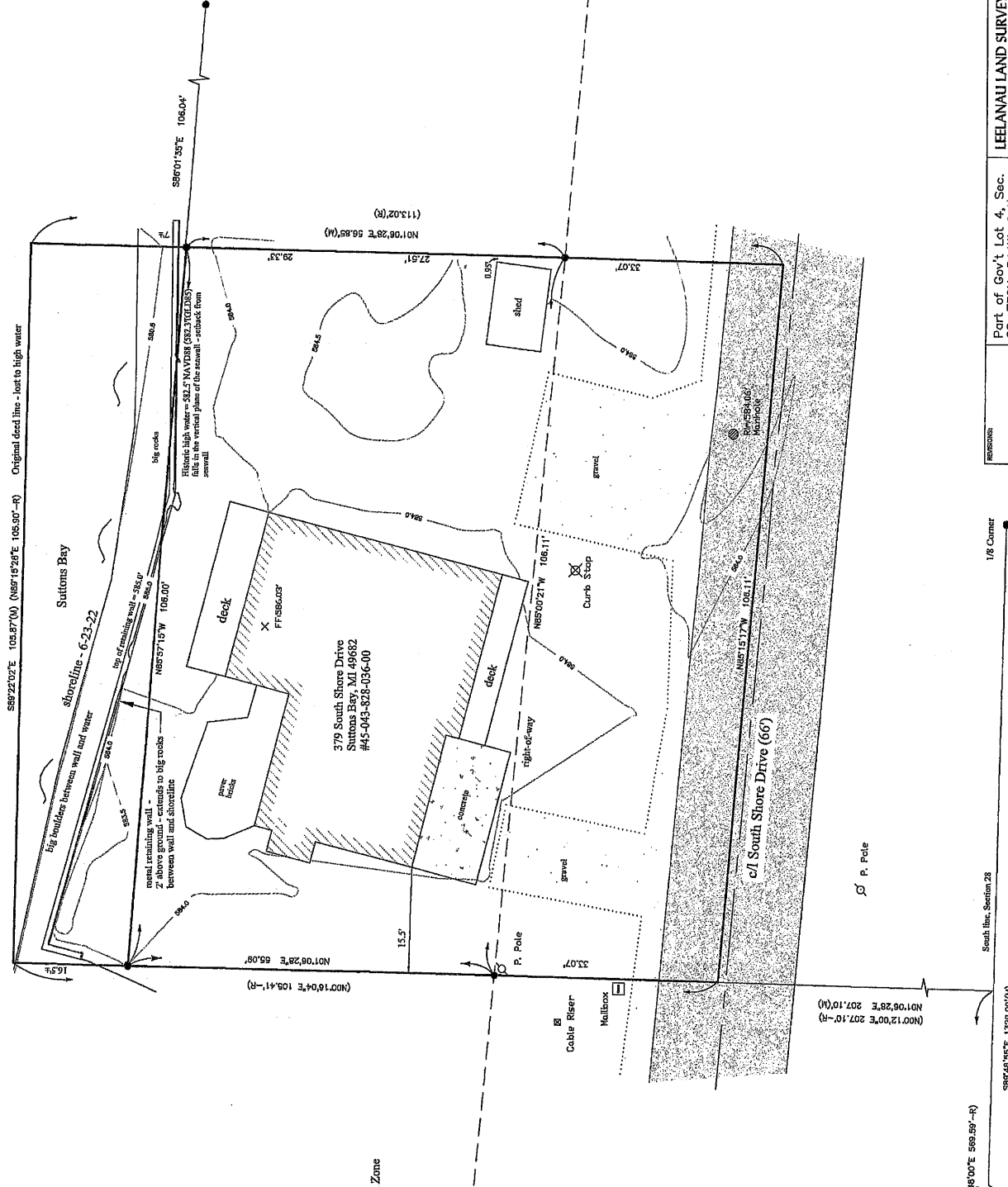


SCALE: 1"=10'  
 0 5 10

### LEGEND

- = IRON (SET)
- = IRON (FND)
- ⊙ = MONUMENT (FND)
- R = RECORD
- M = MEASURED
- C = COMPUTED

NOTES:  
 - Contours are in feet.  
 - Datum is NAVD83  
 - Bearing base is MSPC #2112 Central Zone



South 1/4 corner,  
 Section 28, T30N, R11W  
 F4, Leelanau Co. Remon.  
 L.2, Pg. 181

South 1/4 Corner  
 South 1/4, Section 28

PERSONS	Part of Gov't Lot 4, Sec. 28, T30N, R11W, Suttons Bay Twp., Leelanau Co., Michigan.	LEELANAU LAND SURVEYING P.O. BOX 701 LELAND, MI. 49854 (231) 256-7352
CLIENT	Michael Sanocki	
DRAWN	VAB	DATE: 7/15/22
SHEET	1	OF 1
JOB No.		22009

Note: -All setbacks and zoning information subject to final township approval.

# SITE PLAN



SCALE: 1"=10'  
 0 5 10

### LEGEND

- = IRON (SET)
- = IRON (FND)
- ⊙ = MONUMENT (FND)
- R = RECORD
- M = MEASURED
- C = COMPUTED

NOTES:  
 - Contours are in feet.  
 - Datum is NAVD88  
 - Bearing base is MSPC #2112 Central Zone



South 1/4 corner,  
 Section 28, T30N, R11W  
 P4, Leelanau Co., Kenon.  
 L.I., Pg. 181

S89°48'55\"/>

S89°48'55\"/>

South line, Section 28

1/8 Corner

RESPONSE

Part of Gov't Lot 4, Sec. 28, T30N, R11W, Suttons Bay Twp., Leelanau Co., Michigan.

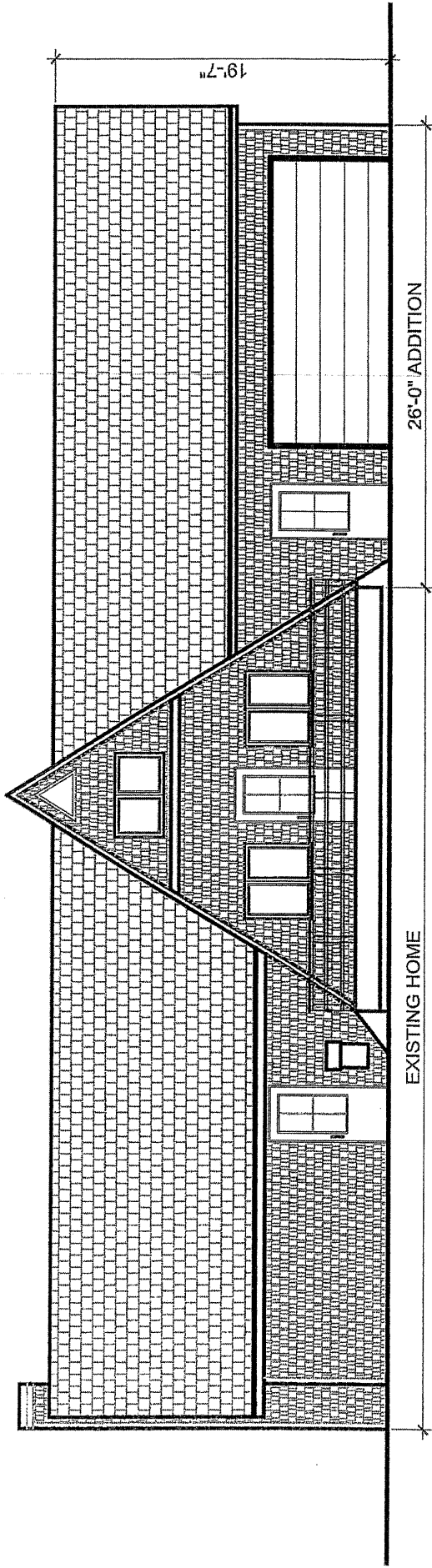
LEELANAU LAND SURVEYING

P.O. BOX 701  
 LELAND, MI. 49654

CLIENT: Michael Sanocki  
 DATE: 7/15/22 | 1 of 1  
 JOB NO: 22009

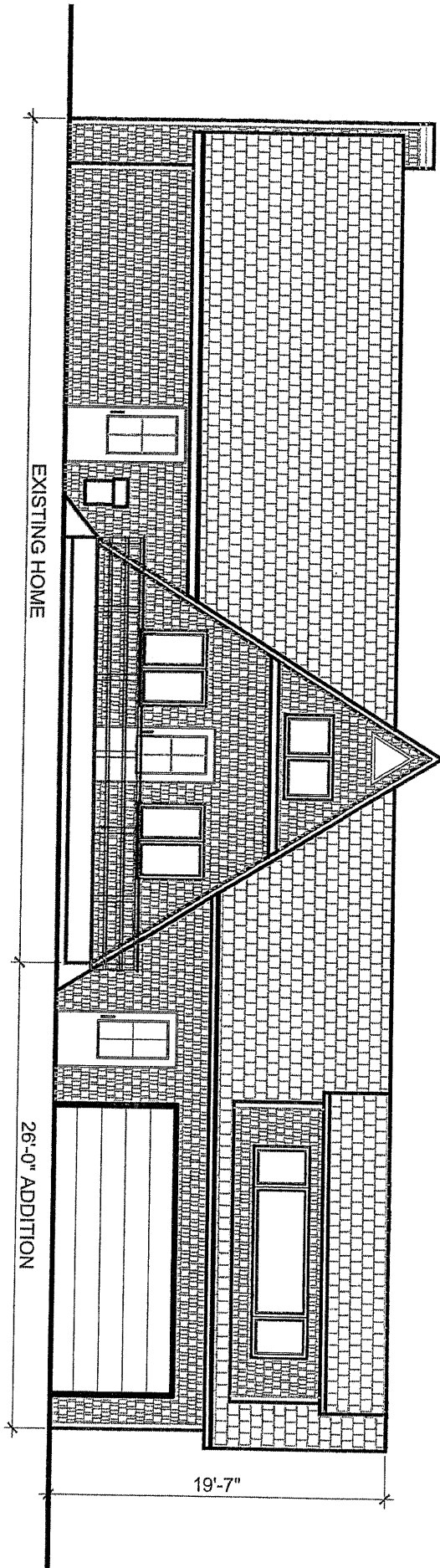
Note(s):  
 -All setbacks and zoning information subject to final township approval.





**SANOCKI PROJECT**  
 379 S SHORE DRIVE, SUTTONS BAY, MI 49682  
 PLAN REVIEW SET - September 8, 2022

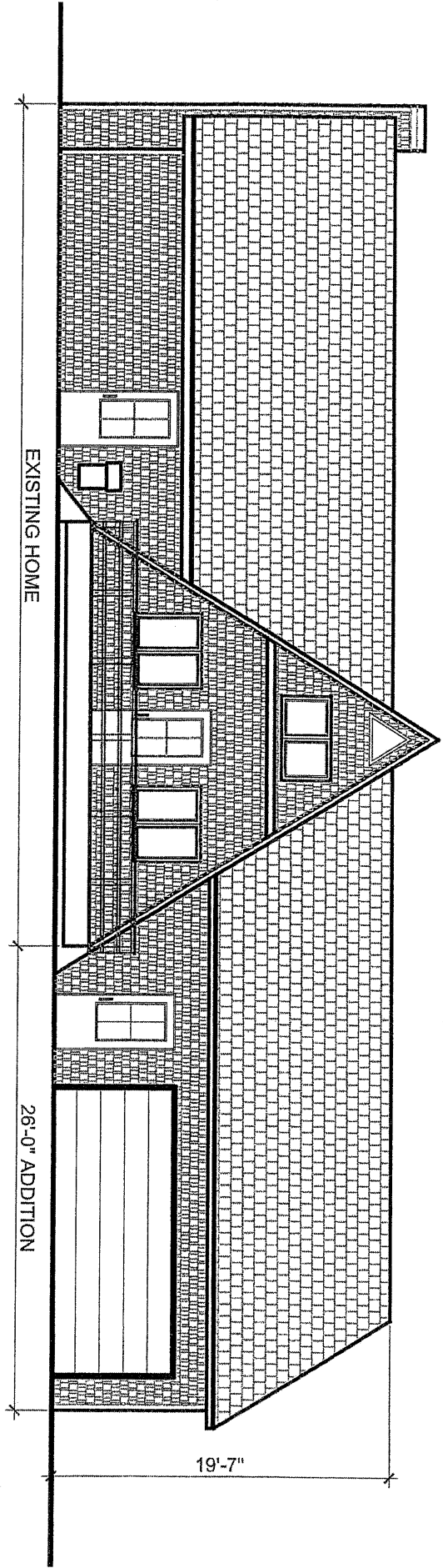




# SANOCKI PROJECT

379 S SHORE DRIVE, SUTTONS BAY, MI 49682

PLAN REVIEW SET - September 8, 2022



# SANOCKI PROJECT

379 S SHORE DRIVE, SUTTONS BAY, MI 49682

PLAN REVIEW SET - September 8, 2022

