



VILLAGE OF SUTTONS BAY
Planning Commission
420 N. Front Street, Suttons Bay, MI 49682
December 17th, 2025 at 5:00 pm
Regular Meeting Agenda

1. Call to order
2. Roll call and notation of quorum
3. Approval of Agenda
4. Member conflict of interest on any item on the agenda
5. Approval of minutes November 19, 2025 Meeting Minutes
6. Public comment/Written communications (Reserved time for items listed on the agenda). Please limit remarks to no more than three (3) minutes
7. Unfinished Business
8. New Business
 - a. EV Charging Station Language- Public Hearing
 - b. Inland Seas Campus Expansion Project
9. Public comment
10. Reports
 - a. Zoning Administration Report
 - b. ZBA Report
 - c. Village Council Updates
11. Good of the order
12. Announcements: Next Regular Meeting January 21, 2026 (Third Wednesday)
13. 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 at suttonsbay@suttonsbayvillage.org as soon as possible.



VILLAGE OF SUTTONS BAY
PLANNING COMMISSION
REGULAR MEETING
Meeting Minutes of November 19, 2025
420 N. Front Street
Suttons Bay, MI 49682

The meeting was called to order at 5:00 p.m. by Chairperson Hetler

Present: Feringa, F. Smith, Hetler, D. Smith, Hylwa
Absent: Campbell, Pontius
Staff present: Kopriva & Patmore
Guests: 35

Approval of Agenda

F. Smith moved, D. Smith seconded, to approve the agenda as presented.
Ayes: 5, No: 0

Conflict of Interest: Hetler disclosed she is a supporter and donor to the Inland Seas and is not sure if there is a conflict. Hylwa indicated he is a donor as well.

Approval of Minutes

S. Feringa moved, D. Smith seconded, CARRIED, to approve the Planning Commission meeting minutes of October 15, 2025 as presented. Ayes: 5, No: 0.

Public Comment/Written Communications

- Larry Mawby, Suttons Bay, Acting independently. Planning Commission should expeditiously find a way to permit this project.
- John Siefeld, Keswick Hills, He is the board chairman of ISEA, spoke on the goals of ISEA to stay in Suttons Bay, ISEA helps community, this is a 6 million dollar investment, please give strong and timely consideration to this project and thanked the commission.
- Lauren, teacher at Suttons Bay Schools, ISEA gives kids access to the water, is excited about expansion, good experience for kids.

- Fred Simpkins, Traverse City, volunteer and crew member of ISEA, benefits of ISEA, they have two schooners that require lots of maintenance, there are benefits with the new building.
- Kathy Schaeffer, Omena, volunteer instructor, project will expand learning experience, needed expansion, fortunate to purchase land next door, supports project, encourage PC to approve.
- Dan Lisuk, Leland, ISEA is a great organization and project will make Suttons Bay a bigger spot on the globe. The proper decision is to allow to expand.
- Jack Scripps, Northport, volunteer, ISEA has given him benefits and expansion is needed.
- M. Piescore, employee of ISEA, honored to be working in Suttons Bay as part of ISEA, they are part of the community.
- Jill Egan, Bingham Township, volunteer, look of the building will complete the waterfront with the marina and the library. ISEA teaches stewardship.
- Kim Eike, Suttons Bay, volunteer, ISEA provides education and stewardship. The number of visitors positively impacts the Village.

Old Business: None

New Business:

Inland Seas Education Association (ISEA) Campus Proposal:

NEW BUSINESS

A. Introduction - Inland Seas Education Association Site Plan Review

Fred Sitkins, ISEA Executive Director, introduced the project. He outlined the following points:

- ISEA programs have 10,000 participants per year.
- ISEA employs 11 full time employees, 7 part-time employees, interns, and has over 100 volunteers.
- The community has played a huge role in the success of ISEA, and they want to stay in Suttons Bay.
- This project is the final piece to complete their plan.
- ISEA has raised 10.2 million dollars towards this project.
- He respectfully asks the Planning Commission to make a timely decision.
- The Millside building is blighted. They want to improve the area.
- This project is not just expanding buildings; it will expand opportunities.

Village of Suttons Bay – 420 N Front Street – P O Box 395 – Suttons Bay, MI 49682 – 231.271.3051
suttonsbay@suttonsbayvillage.org

Scott Joswiak, Joswiak Consulting, Engineer for the project outlined the following:

- He has been working with ISEA since 2016.
- He gave an overview of the proposed Site Plan. Removal of a lot of asphalt, re-configure the parking, 26,000 sft of asphalt now – 16,000 sft of asphalt when completed – 10,000 sft less asphalt, remove part of Millside Building, build a new stair tower, new greenspace, new sidewalks, ADA access, trail along the shoreline, multi-purpose building, new stormwater management to expansion of existing constructed wetlands.
- Access is through Dame Street, which was previously deeded to the Village.

Ray Kendra, Environmental Architects, Architect for the project outlined the following:

- The Millside Building is a challenge.
- The building currently houses Suttons Bay Bikes and the ISEA workshop that was approved on the lower level. There are no changes proposed on the lower level.
- The upper level will contain bathrooms, a kitchen, and multi-use area.
- The inland side of the building will keep the Inland Seas building identity – blue paint, red roofs, and current ISEA character.
- The shoreline side of the building will be more open for the views.

Chair Hetler brought the discussion back to the Commission: The Village Planner has brought up some zoning issues with the project in her report in the meeting packet. There may be parts of the project that do not fit with the current zoning ordinance.

Planner Sara Kopriva stated that this meeting is an introduction to the Planning Commission. Her preliminary review of the project identified some concerns. The zoning ordinance does not seem to address nonconforming buildings as it relates to the form-based standards in the ordinance. A variance, interpretation, or appeal from the ZBA may be necessary, or the property could be rezoned to Public or Quasi-Public Land, or a text amendment.

The PC asked about the timing of these options. It would take 30 days to go to the ZBA, and 3-5 months to amend the ordinance or make a text amendment.

The Commission discussed Dame Street. Planner Sara Kopriva stated that Dame Street is considered a Village Street, and noted that it meets the definition of a street in the zoning ordinance. Dame Street is listed on the signed Village ACT 51 certification list, and the Village receives ACT 51 funding for Dame Street.

ISEA Engineer noted the history of Dame Street as an easement then deeded to the Village. He said that the Surveyors disagree that Dame Street merits as a road, as it doesn't meet standards. It was asked if Dame Street could be taken off the certification list – the Village Council controls the street certification.

Engineer Joswiak then approached the Commission about Section 19.5 of the ordinance that addresses non-conformities. He feels that the Millside Building could fall under 19.5. and asked the Commission to look at 19.5.

ZA Patmore reminded the Commission that this was listed as an introductory meeting on the Site Plan, and that the Commission should hear the presentation, ask questions, and identify, but not solve any issues.

The Commission then made individual comments that supported the concept of ISEA expansion into the Millside Building, however, there are issues that need to be resolved. Should any ZBA action happen before or after PC review?

Planner Kopriva noted that ZBA action before the PC approval is preferred. The PC reviewed the three options: 1) Concurrent review by PC and ZBA, 2) ZBA review first, 3) PC review then ZBA.

The consensus of the Commission is to do reviews concurrently.

Engineer Joswiak requested an interpretation of Section 19.5 as it relates to the Millside Building first. They would send information on this to the Village.

Further discussion and review will occur at the December PC meeting.

Electrical Vehicle Charging Station Language

Sara provided new draft language based on comments received from the previous planning commission meeting. Members, by consensus, recommended setting this matter for a public hearing and to schedule the same for December 17, 2025.

2026 Planning Commission Budget:

The planning commission members reviewed the proposed 2026 planning commission budget. S. Ferina moved, F. Smith seconded, CARRIED to recommend approval of the 2026 Planning Commission budget as presented. Ayes: 5, No. 0.

2026 Planning Commission meeting schedule:

D. Smith moved, F. Smith seconded, CARRIED to approve the 2026 meeting schedule as presented. Ayes: 5, No. 0

Public Comment:

- Larry Mawby, Suttons Bay, has two comments: 1) Thanked the Commission for their work to help ISEA. 2) Would appreciate the Commissions help on getting the rezoning of the Peninsula Housing school property as a priority item.

Planner Kopriva commented that they should be submitting an application for rezoning, and it is not typical for the Village to initiate a rezoning such as this.

- Fred Sitkins, ISEA, Thanked the Commission for their time and efforts. He is disappointed in the engagement and response from the Village.
- Lois Bahle, Suttons Bay, the village could have had a hotel at the Millside Building, and ISEA is a better use.
- Jack Dunn, at the last meeting there was discussion on allowing two-family dwellings for the Congregational Church property. Has there been any progress?

Chair Hetler explained that the Planning Commission needs to work with the Village Council on this discussion. Council member D. Smith noted that she plans on bringing this up at a Village Council meeting.

Planner Kopriva noted that the Church could formally request a text amendment.

Reports

Zoning Administration Report-as presented.

Village Council Report: No comments

Zoning Board of Appeals-Meeting was cancelled in order to have the Village attorney look at the issues.

Next Regular Meeting is December 17, 2025. Gail stated she would not be present.

Agenda Items: EV charging stations public hearing; ISEA Campus Proposal

Motion to Adjourn

F. Smith moved, D. Smith seconded, CARRIED, to adjourn. Ayes: 5, No: 0.

Meeting Adjourned at 6:16 p.m.

Meeting notes submitted by Steve Patmore, Zoning Administrator

Meeting minutes drafted by Dorothy Petroskey, Clerk.

Date: 12.12.2025
From: Sara Kopriva, AICP
To: Village of Suttons Bay Planning Commission
Project: Electric Vehicle Charging Stations Zoning Amendment



Following the public hearing:

Possible Motion: Motion to recommend approval of the zoning amendment on electric vehicle charging stations to Village Council

At the November Planning Commission meeting, the Planning Commission made a motion to hold a public hearing regarding elective vehicle charging stations. The language provides that the charging stations are accessory to a primary use and must meet other requirements if installed. This is no requirement that EV stations are to be installed at this time. There were no changes from the November meeting. Standards for review are following the language below.

THE VILLAGE OF SUTTONS BAY HEREBY ORDAINS

Section 1. Amendment of Article 2 is hereby amended as follows:

Article 2-3 Accessory Buildings:

Add:

- C. EVSE Stations. EVSE stations are an allowed accessory use for all principal land uses and shall not require a permit for residential uses. Any EVSE spaces installed voluntarily as accessory uses shall comply with the standards of Section 10-10.

Section 2. Amendment of Article 10

Article 10: Off-Street Parking and Loading is hereby amended as follows:

Section 10-10 Electric Vehicle Charging Stations

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535 West William
Suite 101
Ann Arbor, MI 48103

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734.663.6759 fx

www.bria2.com

Petoskey Office
113 Howard Street
Petoskey, MI 49770

231.347.2523 ph
231.347.2524 fx

Traverse City Office
148 East Front Street
Suite 207
Traverse City, MI 49684

231.933.8400 ph
231.944.1709 fx

Grand Rapids Office
5211 Cascade Road SE
Suite 300
Grand Rapids, MI 49546

616.585.1295 ph

- A. **Applicability.** The requirements of this section apply to the installation of EVSE within the Village.
- B. **Design and Location.**
1. EVSE equipment shall meet all parking setback and screening requirements.
 2. EVSE spaces shall be clearly designated with signage and pavement markings.
 3. EVSE spaces shall be sited in a manner that provides convenient pedestrian access to the principal use, comparable to other customer/visitor parking spaces.
 4. Where possible, EVSE spaces shall be integrated into well-lit, visible areas of the parking lot.
 5. Charging equipment shall be mounted on a permanent foundation or wall, shall not obstruct pedestrian circulation, and shall not reduce the minimum required width of accessible routes.

Section 3. Amendment of Article 20

Article 20: Definitions, Section 20-4 Definitions: D-E is hereby amended as follows:

Electric Vehicle Charging Station (EVSE): An accessory use that is a public or private parking space that is served by battery charging equipment for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle. An EVSE space includes all required equipment, protective devices, and signage.

Prior to making a decision, the Planning Commission is required to review the criteria for text amendment in Section 18-3 of the ordinance.

Section 18-3 Zoning Ordinance Amendments

- C. *Criteria for Text Amendments.* The following guidelines shall be used by the Planning Commission, and may be used by the Village Council, in consideration of amendments to the Zoning Map:
1. The proposed text amendment would clarify the intent of the ordinance.
The proposed text amendment is not clarifying the of the ordinance but is supported by the intent of the ordinance.

2. The proposed text amendment would correct an error or oversight in the ordinance.

The amendment is not correcting an error, this is a new use that needed ordinance language to clarify the regulation.

3. The proposed text amendment would address changes to the State legislation, recent case law or opinions from the Attorney General of the State of Michigan.

The amendment is clarifying regulations for a newer use that is permitted in the State. This amendment is not addressing any changes from the State.

4. The proposed text amendment would promote compliance with changes in other County, State or Federal regulations.

The proposed text amendment is not necessary for compliance with changes to other regulations. This amendment is clarifying a new type of use that is allowed.

5. In the event the amendment will add a use to a district, that use shall be fully consistent with the intent of the district and the character of the range of uses provided for within the district.

The amendment is adding an accessory use to the ordinance, it is consistent with the intent of the districts since it allows for electric vehicle charging where current or proposed parking is allowed. Parking is currently allowed in all districts, this expands the availability of electric vehicles with regulations specific to charging stations.

6. The amendment will not create incompatible land uses within a zoning district, or between adjacent districts.

This amendment does not create incompatible land uses. It is adding regulations for a use that is already taking place.

7. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.

The text amendment is not supported by any special studies. The requirements are based on typical requirements for newer land uses in zoning. The master plan discusses electric charging and adding the language helps to move the master plan forward.

8. As applicable, the proposed change shall be consistent with the Village's ability to provide adequate public facilities and services.

The text amendment will have no impact on public facilities and services available as an accessory use. They are currently allowed as a accessory structure, this language clarifies additional requirements specific to charging stations.

9. The proposed change shall be consistent with the Village's desire to protect the public health, safety, and welfare of the community.

The proposed language is consistent with the public health, safety and welfare and supported by the adopted Master Plan.

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Date: 12.12.2025

From: Sara Kopriva, AICP
To: Suttons Bay Planning Commission

Project: Inland Seas Campus Expansion



Possible Motion: Motion to approve/deny the Inland Seas Application for Campus Expansion at 101 E Dame St (Millside Building) with the following conditions:

1. ZBA Approval of variance for build-to/setback along Dame St. Nothing in the Planning Commission approval shall guarantee approval or action by the ZBA.
2. All outside agency permits shall be required. Approval of this site plan does not guarantee that outside agency permits will be approved or permitted as currently proposed. This includes but is not limited to: water, sewer, stormwater, roads, fire, soil erosion, EGLE.
3. Approval of site plan by fire and DPW for removal of secondary access to the site.

Inland Seas has submitted an application for site plan review to remove the existing 1st floor of the Millside building and reconstructed it in the existing area on the existing foundation. They will also be changing the parking area associated with this building. Enclosed is the application, site plan, and email exchange with the engineer.

Since the November meeting, the applicant has submitted a request to the ZBA as requested by the Planning Commission to have the applications reviewed concurrently. The application was submitted December 9. It is anticipated that they will be in front of the ZBA in January due to publication and noticing requirements.

This existing Millside building is considered a non-conforming structure as it does not meet many of the dimensional requirements of the current ordinance. The applicant has stated that due to deterioration of the existing structure the main floor (1st floor) will need to be demolished and reconstructed. The applicant is proposing to reconstruct the main floor in on the existing foundation covering the same area as the current structure with one exception of a new stairway.

The applicant has provided this additional document to show existing and proposed footprints. This drawing, provided below, shows that the main floor will be on the same footprint but the stairway addition will be of different size and location than the existing structure.

Beckett & Raeder, Inc.
535 West William
Suite 101
Ann Arbor, MI 48103

Petoskey Office
113 Howard Street
Petoskey, MI 49770

Traverse City Office
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Traverse City, MI 49684

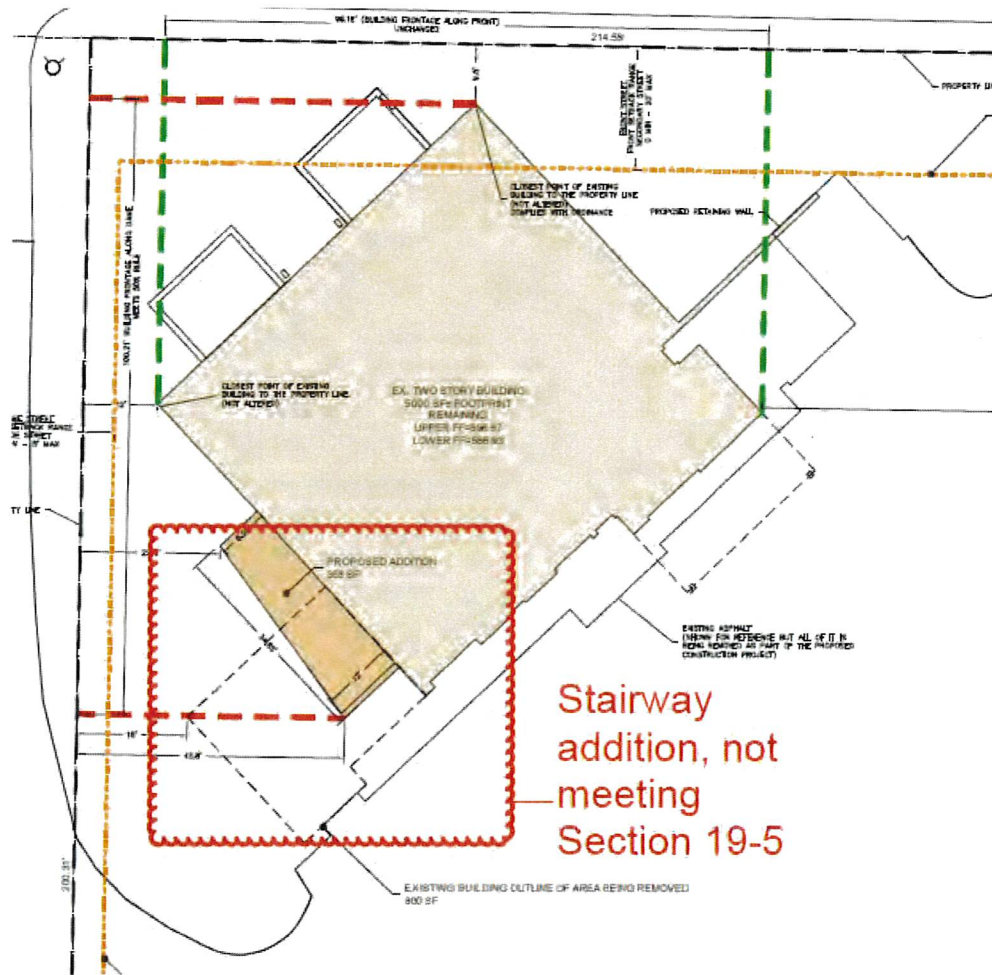
Grand Rapids Office
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231.944.1709 fx

616.585.1295 ph



The Zoning Ordinance defines a non-conforming structure as:

NONCONFORMING BUILDING, STRUCTURE means 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.

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- The structure, was lawfully constructed in 1978 and does not comply with the 2018 “build to” setback or frontage provision deeming the structure non-conforming.

FINDINGS

Based on the information provided, the Village of Suttons Bay finds the following:

- The structure is deemed to be non-conforming as defined in Section 20-8 of the zoning ordinance.
- The structure is deemed to be non-conforming as further described in Section 19-1 Nonconforming Structures.
- The intent of Section 19-1 Nonconformities is to recognize structures that were lawful prior to the passage or amendment of the zoning ordinance. This section recognizes nonconformities and allows for their rehabilitation, maintenance and reconstruction of a non-conforming structure.
- Section 19-1 Nonconformities allows for the reconstruction of structures, provided they do not enlarge or expand their non-conformity.
 - Section 19-5(A) “Replacement of a building or structure damaged by fire, act of God, removal or replacement by the property owner, or other causes may occur in the size, shape and footprint of the structure being replaced.”
- Section 19-5 fails to contemplate the partial reconstruction of a non-conforming structure on the same footprint.

Since the main floor is being reconstructed in the same size, shape, and footprint, this construction will meet the requirements of section 19-5(A) of the zoning ordinance and not required to meet all the design and dimensional requirements currently required for the CB district.

As previously mentioned, there is a stairway addition that is on the South side of the building. This area of construction does not meet the requirements of Section 19-5 of the ordinance and will be required to meet the requirements of the CB district. The footprint of the stairway is not of the same size, shape, and footprint as the existing building therefore the same non-conforming requirements as the main structure do not apply meaning that the addition is required to meet the build-to requirements of the zoning ordinance. As a front the build to line is 0 ft min, 5 ft max.

Table 5-3 Spatial Requirements- Mixed Use Districts			
Zoning District		CB	NC
Minimum Depth (ft.)		120	10
Width (ft.)		25 min.	60
Minimum Frontage		25	Ed
Front Setback	Front/ Primary Street (ft.)	0 max. ¹	15
	Front/ Secondary Street (ft.)	0 min., 5 max.	10

The applicant has been provided 3 options by staff for how to move forward with this addition for compliance with design criteria in Section 5-5.

1. Construct the stairway the same size, shape, and footprint

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This application is being reviewed as:

- ## Existing Conditions of Subject Property

- [illegible]

Adjacent Zoning & Land Uses		
Location	Zoning	Land Use / Owner
North	CB	Village Property
East	PL / Lake	Watercraft Dockage / Village of Suttons Bay
South	SFWR	Detached single family residence / PEPLINSKI JASON M & MAAS RICHARD W
West	CB	Gasoline Station / PLAMONDON FAMILY LLC

Relationship to Master Plan: The site is designated as both Public / Quasi Public (northern two parcels) and Mixed Use Central Business District (southern parcel) in the 2023 Village of Suttons Bay Master Plan. This category is described below:

Public / Quasi Public. The Public/Quasi-public category includes facilities that are designed to serve the public interest, such as educational, governmental, religious, health, correction, military, cemeteries, airports, and public safety.

Mixed Use Central Business. The Mixed Use Central Business area is comprised of the historic core of the Village and is characterized by traditional multi-story buildings set to the sidewalk. The area will contain a mix of uses to serve visitors and tourism as well as year round residents and contribute to and promote active street life and vitality in the center of the Village. The repurposing of buildings is encouraged to promote sustainability and preservation while filling the gaps in otherwise walkable blocks.

Section 5-5 CB District Form Requirements- Commercial Buildings

While much of the proposed work is being considered non-conforming, some aspects of the new construction still should meet today's ordinance.

G. *Windows and Doors.*

1. Transparency. Transparency requirements shall apply to the area of the façade between two (2) feet and 10 feet above the sidewalk regardless of where windows are located.
 - a. Only clear or lightly tinted, non-reflective glass in windows, doors, and display windows shall be considered transparent.
 - b. Ground floor windows shall contain displays that are meant for viewing from the outside, or shall be unobstructed for a depth of not less than four (4) feet into the building.
2. Amount of Windows and Doors.
 - a. Primary Street Ground Level. Minimum 70 percent.

- b. Primary and Secondary Street Upper Levels. Minimum 20 percent.
- c. Secondary Street Ground Level. Minimum 35 percent.
- 3. Window Design.
 - a. Ground floor window sills shall be at least two (2) feet above grade.
 - b. Window shape openings and panes on upper stories shall be taller than they are wide or be divided into segments that are taller than they are wide.
 - c. Windows should be proportionally distributed along second floor facades.
- A. Entrances.
 - 1. Recessed Entrance. Building entrances shall be recessed at least three (3) feet and at least one (1) main building entrance shall face a street. If recessed more than five (5) feet, a window display shall be provided between the doorway and the sidewalk. Angled entry walls are preferred to promote visibility of the entrance. Doorways shall not span more than one (1) story.
 - 2. Identifiable Elements. A building entrance shall be clearly identifiable and reinforced by such architectural elements as awnings, pediments, pilasters, porte-cocheres, special paving, arches, changes in rooflines and planters.

Following the review of the site plan by the Planning Commission, the Planning Commission shall review the standard for approval and provide findings.

Section 14-9 Standards for Plan Approval

The following general standards of approval shall be considered during site plan reviews and during the application of conditions of approval (Section 14-10):

- A. *Standards.* The site plan must comply with all applicable requirements of this ordinance and all other applicable laws and regulations.
The current site plan does not meet the applicable requirements of the ordinance without approval from the Zoning Board of Appeals on the build-to setback for the South side of the building and new stairway addition. With a variance, this standard can be met.
- B. *General Site Design.* The site should be designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.



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The site is designed to be consistent with the current character of the property and the reconstruction of the nonconforming main floor allows for the continued re-use of the property. While the construction does not meet all of the design requirements for the CB District, the new construction of the main floor, does meet the requirements of Section 19-5 of the ordinance. The stairway will require ZBA approval as proposed.

- C. *Impact.* The site should be designed to minimize impact to adjacent property, and to reduce the negative effects of traffic, noise, smoke, fumes and glare to the maximum extent reasonably possible.

The proposed use is permitted in the district with site plan review. Consideration should be given to adjacent properties for parking, noise, and impact when there are larger gatherings of people to the site. Emergency access must be maintained.

- D. *Traffic Circulation.* The number, location, size of access and entry points, internal vehicular and pedestrian circulation routes, and bike parking facilities should be designed to promote safe and efficient access to and from the site, and circulation within the site. In reviewing traffic features, the number, spacing, and alignment of existing and proposed access points should be considered relative to their impact on traffic movement on abutting streets and adjacent properties.

This project is removing a secondary access to the site that allows for movement to the site and buildings and could pose an issue for emergency access. The fire department and DPW shall be required to review and approve the removal of the secondary access to the site. This is especially important due to the potential for more individuals being on the property at one time.

- E. *Stormwater.* Stormwater detention and drainage systems should be designed so the removal of surface waters will not adversely affect neighboring properties or public stormwater drainage systems. Unless impractical, stormwater should be removed from all roofs, canopies and paved areas by underground surface drainage systems. There shall exist sufficient protection to ensure no additional storm water run-off will be created by the project, or that adequate measures have been taken to accommodate such storm water run-off from the site. For purposes of this standard, the storm water run-off shall be determined from a 25-year storm event, unless a future stormwater ordinance states a different design requirement. All development of land shall be subject to future Village ordinances, as applicable.

The applicant has proposed changes to the stormwater drainage system. These changes will be required to be approved by the Village prior to any land use permit and construction. As proposed, the applicant is proposing to comply with stormwater requirements subject to approval by proper local, state, and federal requirements.

- F. *Landscaping.* The landscape should be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Provision or preservation of landscaping, buffers, or greenbelts may be required to ensure that the proposed uses will be adequately buffered from one another and from surrounding property.

The applicant is proposing to provide new landscaping in front of the building and along the parking areas. This additional landscaping will help with buffering from neighboring properties and limit trespass of lights from vehicles.

- G. *Screening.* Where commercial uses abut residential uses, appropriate screening consisting of attractively designed, opaque fencing or equivalent landscaping should shield residential properties from noise, headlights, and glare.

This standard is not applicable due to the location in the CB district and neighboring properties.

- H. *Lighting.* Lighting should be designed to minimize glare on adjacent properties and public streets. As a condition of plan approval, reduction of lighting during non-business hours may be required.

Lighting details have not been provided but any new lights are required to comply with the existing zoning ordinance for dark sky and location, section 11-8 of the zoning ordinance.

- I. *Utility Service.* Water lines, sewer lines, and all provisions for surface water drainage shall be approved by the Village and designed in compliance with any applicable federal and state statute, and Village and county ordinances. All utility easements shall be in a form and of a type reasonably satisfactory to the appropriate governmental agency and shall be located on site in a manner that is least harmful to surrounding properties.

As a condition of approval, all appropriate agencies will be required to review and approve the site plan and utilities prior to a permit for construction. The Planning Commission approval shall not guarantee that another agency will approve the plan as submitted.

- J. *Buried Cables and Lines.* Electric, telephone, coaxial cable and other lines shall be located underground.

As proposed this standard has been met.

- K. *Emergency Access.* All buildings and structures shall be readily accessible to emergency vehicles.

Review and approval by fire and DPW will be required prior to permitting to ensure that proper emergency access is provided with the removal of the secondary access to the site. The site plan can be easily modified to provide secondary access to Madison.



initiative

November 20, 2025

Village of Suttons Bay
Attn: Sara Kopriva, Village Planner
420 N. Front Street
Suttons Bay, MI 49682

**RE: Nonconforming Structure, Setback and Frontage Determinations
Inland Seas Education Association Campus Expansion (100 & 101 E. Dame Street)**

Dear Sara:

I am writing to follow up formally regarding the Planning Commission meeting on November 20th, and to clarify the application of Section 19 – Nonconforming Structures of the Suttons Bay Zoning Ordinance as it relates to the Inland Seas Campus Redevelopment. You have asserted that variances are required for (1) minimum/maximum setback along Dame Street, (2) building frontage along Dame Street, and (3) building frontage along Front Street. After reviewing the ordinance in detail, and given the building geometry shown in the zoning compliance exhibit that is included with this letter, it is clear that no variances are required, and that the project complies with Section 19 as written.

Dame Street Setback – Pre-Existing Nonconformity Not Being Altered

The Mixed Use Commercial District requires a 0' to 5' setback along Dame Street. The existing building's closest point is approximately 12 feet from the Dame Street right-of-way. This condition predates the ordinance and is therefore a legal nonconforming setback under Section 19.

The proposed plan does not modify the portion of the structure located at 12 feet. Because the setback is not being increased, extended, or worsened in any way, no variance can be required. Section 19.5(A) protects maintenance, repair, and replacement of nonconforming structures when the nonconformity is not increased.

Dame Street Building Frontage – Fully Compliant with Minor Adjustment

The ordinance requires that 50% of the building frontage along Dame Street be occupied by building. The Dame Street frontage length is 200.31 feet, requiring 100.155 feet of building facade.

After removal of the 800 sf deteriorated portion, the frontage would temporarily fall below 50%. However, by extending the proposed stair tower addition by approximately one foot, the total frontage becomes 100.21 feet, which exceeds the 50% requirement.

This is reflected in the zoning compliance exhibit.

No variance is therefore required.

Front Street Setback – Fully Compliant

Front Street is the secondary frontage for this corner lot. The ordinance requires a 0' to 20' setback. The existing building sits at 9.5 feet, which is fully compliant.

Because the project includes no modifications to the Front Street façade or building line, the setback remains compliant and cannot trigger a variance.

Front Street Building Frontage – Protected Nonconforming Condition

Front Street is 214.58 feet long, requiring 107.29 feet of building frontage. The existing building occupies 99.16 feet, and this is a pre-existing nonconforming condition.

Importantly:

- The project does not modify the building line along Front Street
- The project does not reduce existing frontage
- No part of the proposed work affects the nonconforming condition
- Under Section 19.5, lawful nonconforming structures are permitted to continue so long as no nonconformity is increased. Because the Front Street frontage nonconformity is not being altered, the ordinance does not permit the Village to require a variance.

Replacement and Repair Under Section 19.5(A)

Section 19.5(A) is directly applicable:

“Nothing in this ordinance shall prevent maintenance and repair...Replacement of a building or structure damaged by fire, act of God, removal or replacement by the property owner, or other causes may occur in the size, shape and footprint of the structure being replaced.”

The lower level has been determined to be structurally sound and has been renovated as part of a land use permit issued earlier this year. The main level has significant water and structural damage rendering a remodel inappropriate. This was disclosed at the time of issuance of the land use for the lower level. While the main level will be reconstructed, the:

- Foundation
- Lower level
- Footprint
- Setbacks
- Closest points to lot lines
- Overall building envelope

remain unchanged or less nonconforming.

This is exactly the type of repair/replacement Section 19.5(A) authorizes without a variance.

Expansion of Nonconforming Buildings – Section 19.5(B)

Section 19.5(B)(1) indicates that a building or structure may not be enlarged in any way that increases its nonconformity. The planned removal of the section of building along Dame is being replaced by a smaller stair tower. A net reduction of approximately 400 sf is resulting from that change. Further, the removal and replacement of the main level is work that is being conducted within the same envelope as the existing building and is not considered an expansion of a nonconforming building.

Section 19.5(B)(2) references setbacks. The planned stair tower does not infringe on either of the two items listed. It is not changing the closest point to the property line and the two-thirds (2/3) rule is not applicable.

Thus, the expansion is expressly permitted.

Conclusion and Path Forward

Based on:

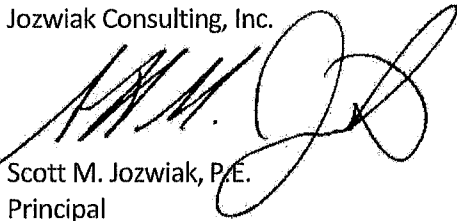
- Section 19.5(A) repair/replacement provisions
- Section 19.5(B) expansion of nonconforming buildings
- Clear compliance with Dame Street frontage
- Preservation of Front Street's existing nonconforming frontage
- Compliance with setback requirements pursuant to nonconforming structures
- And the documented building geometry

No variances are required for this project.


Given the clarity of the ordinance and the intent of Section 19, we respectfully request that staff reconsider the determination presented at the meeting so that this project may return to the Planning Commission for approval.

I am available to meet at your convenience.

Sincerely,
Jozwiak Consulting, Inc.

A handwritten signature in black ink, appearing to read "S.M. Jozwiak", written over a horizontal line.

Scott M. Jozwiak, P.E.
Principal

		<h2 style="text-align: center;">VILLAGE OF SUTTONS BAY</h2> <h3 style="text-align: center;">ZONING REPORT</h3>	
Prepared:	12/12/2025	Pages:	1 of 1
Meeting:	December 2025 PC & Council	Attachments:	0 <input type="checkbox"/>
Subject:	Zoning Report for November 2025		

LAND USE PERMITS ISSUED

DATE	TOTAL	NEW HOMES	ADU	ALTERATIONS ADDITIONS	ACCES. STRUCT.	FENCE	COMMERCIAL, SIGNS / OTHER
November 2025	1	0	0	1	0	0	0
Year To Date	13	0	0	3	1	2	7

LUP 25-012 407 W. Grove Deck Replacement

ZONING BOARD OF APPEALS

- Application under legal review.

LAND DIVISION

- Application under review.

STAFF REPORT

- Questions on Land Use Permits, Site Plan Review, Zoning Appeals.
- Follow-up on previous permits issued.

RECOMMENDATIONS TO PC:

None at this time