

December 9, 2025

Village of Suttons Bay
Zoning Board of Appeals
420 Front Street
Suttons Bay, MI 49682

RE: ZBA Submittal – Interpretation Request / Dimensional Variance Request (Option 2)

Parcels: 100 & 101 E. Dame Street

Applicant: Inland Seas Education Association

Dear Members of the Board:

Inland Seas Education Association is submitting two related items for consideration by the Zoning Board of Appeals (ZBA) regarding the redevelopment of 100 and 101 E. Dame Street. These requests arise from our ongoing Site Plan Review with the Planning Commission, during which Village staff determined that the Dame Street corridor must be regulated as a “side street” under the CB District form-based standards. Because this determination affects dimensional compliance and overall site feasibility, staff has directed ISEA to seek ZBA review before the Planning Commission can take final action. The Planning Commission is scheduled to review our project on December 17, and their approval will be expressly conditioned upon the outcome of these ZBA matters. To address this, we are submitting two parallel forms of relief, outlined below.

OPTION 1 — Interpretation Request (Primary Request)

Requested Determination: Dame Street Should Be Classified as an Alley for Zoning Purposes

The ordinance defines an alley as:

“A secondary right-of-way that provides a means of access to the rear of a lot and/or building.”

Dame Street meets this definition more closely than any other street type in the zoning ordinance.

Key supporting facts:

- Dame began as a 1972 private access easement and was not a platted street.
- It became Village-owned only through a 1991 quit-claim deed, unintentionally creating a street-frontage condition.
- The corridor is only 29.7 feet wide, not the ~80-foot width typical of CB District side streets.
- It slopes at 11%, lacks sidewalks, on-street parking, and a pedestrian realm.
- It has always functioned as access to the sides and rear of buildings—precisely what the ordinance describes as an alley.
- Applying the CB side-street build-to and frontage requirements would create a tight, enclosed, and unsafe corridor not present elsewhere in the Village.
- The Village zoning map does not depict Dame Street in white, unlike all other streets—further suggesting its non-street, alley-like treatment within the district.

For these reasons, ISEA requests an interpretation confirming that Dame Street is most appropriately classified as an alley for zoning purposes.

OPTION 2 — Dimensional Variance Request (Alternative Request)

If the ZBA determines that Dame Street must be treated as a side street, then ISEA respectfully requests dimensional variances necessary to accommodate redevelopment while maintaining consistency with the intent of the form-based code and the Village's established character.

Requested relief:

- 10-foot minimum building setback along Dame Street
- 0-foot parking setback
- Removal of the 50% building frontage requirement

These standards reflect the corridor's narrow width, steep grade, historical development pattern, access function, and prior Village administrative practice. The requested variances allow the corridor to function more closely to the intended form found on true CB District streets, while acknowledging the unavoidable physical limitations of the site.

Purpose of Providing Two Options

We are providing two related but distinct paths for ZBA action:

1. Option 1 (Interpretation)
A clean determination that Dame Street is an alley for zoning purposes. This outcome establishes a correct regulatory frame without requiring variances.
2. Option 2 (Variance)
A fallback solution only if the ZBA concludes that Dame must be treated as a side street.

Submitting both items concurrently ensures no delays to Planning Commission review, no gaps in regulatory compliance, a clear record for the Village, and full transparency in ISEA's approach.

We appreciate the ZBA's thoughtful consideration of these matters. Our goal is to ensure that regulatory standards applied to Dame Street reflect the physical realities of the corridor, the intent of the zoning ordinance, and the Village's broader planning objectives.

Sincerely,

Jozwiak Consulting, Inc.



Scott M. Jozwiak, P.E.
Principal

December 5, 2025



Re: Authorization of Designated Agent – Planning & Zoning Matters for Inland Seas Education Association

To Whom It May Concern:

I, Fred Sitkins, Executive Director of the Inland Seas Education Association, hereby authorize Scott Jozwiak, P.E., of Jozwiak Consulting, to act as our designated agent in my absence for all matters related to planning, zoning, site plan review, and zoning board of appeals applications for the Inland Seas campus properties located at:

- 100 E. Dame Street, and
- 101 E. Dame Street (Millside Building)

This authorization includes, but is not limited to:

- Signing and submitting all zoning, planning, and site plan applications
- Signing ZBA applications, variance requests, and interpretation requests
- Submitting drawings, narratives, exhibits, revisions, and supplemental documentation
- Communicating and coordinating with Village staff, consultants, and reviewing bodies
- Representing Inland Seas throughout the review and approval process

This authorization is granted to ensure continuity during periods when I may be out of the office or traveling. All documents signed by Scott Jozwiak should be accepted as if signed directly by me.

This authorization remains valid until the conclusion of the Inland Seas zoning and site plan review processes for the above-referenced parcels, unless revoked in writing.

A handwritten signature in black ink that reads "Fred Sitkins". The signature is fluid and cursive, with "Fred" on the top line and "Sitkins" on the bottom line.

Fred Sitkins
Executive Director



Office of Planning and Zoning
420 N Front Street
P O Box 395
Suttons Bay, MI 49682
231-271-3051
zoning@suttonsbayvillage.org

REQUIREMENTS FOR MAKING APPLICATION FOR A VARIANCE

All applications must be submitted thirty (30) days prior to the regular monthly meeting of the Zoning Board of Appeals.

1. The Applicant shall submit, along with the completed application, a survey of the property drawn by a professional surveyor (commercial & large development applications must provide 10 copies of a complete survey). The survey shall include the following:
 - a. Current boundary lines
 - b. Road/easement right-of-way
 - c. Any existing improvements (buildings, well, septic, driveways, etc.)
 - d. Location of approved septic system and well (for vacant parcels and parcels with systems requiring a location change due to the appeal request of it impacting the variance request)
 - e. Proposed changes/additions for which the variance is being sought
2. Reasons for the variance (narrowness, shallowness, shape, water, or topography) shall be clearly stated by the property owner.
3. Hardship shall be stated by the property owner, i.e.: A lot-of-record that does not conform to current zoning, or such other conditions conveying hardship not of the owners making.
4. All applications must be signed by the property owner. If the owner chooses to be represented by another party, he/she must also sign the application.
5. Property in question shall have all property lines involved plainly marked and visible for an on-site inspection prior to the public hearing. *
6. The building site shall be clearly marked, (STAKED OUT/FLAGGED) for any on-site inspections that may occur, prior to the public hearing. *

Items #5 and #6 apply to site review. *

Questions? Concerns? We are here to help. Pre-submission meetings for assessment of your application are available and encouraged. To schedule an appointment with the Village Zoning Administrator, please call the Office of Planning and Zoning at (231) 271-3051.

The Zoning Board of Appeals meets on the third Wednesday of each month, at 5:30 pm. If you are unsure of the application deadline and/or date of the meeting, please contact the Office of Planning and Zoning.

VARIANCES:

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 Zoning Administrator a completed application form furnished by the Village specifying the zoning ordinance provision from which the variance is being requested. The Zoning Administrator shall then transmit to the Zoning Board of Appeals the completed application concerning the variance request.

A. *Dimensional Variances.* The Zoning Board of Appeals shall have the power to authorize specific dimensional variances from the requirements of this ordinance if it finds based upon competent, material, and substantial evidence following a public hearing that all of the applicable standards provided in this section have been met.

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:

- 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.
- b. That the need for the requested variance is not the result of actions of the property owner.
- 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.
- 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 other property owners.
- e. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

2. Use Variances. The Board may not grant a use variance.



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

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: _____ Phone Number: (____) ____ - ____

Address: _____

Email: _____

Authorized Agent's Name: _____

Address: _____ Phone Number: (____) ____ - ____

Email: _____

Property Identification Number (PIN): 45-043- _____ - _____ - _____ - _____

Property Location (address if available): _____

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? _____

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):

Signature of Owner _____ Date ___/___/___

Signature of Authorized Agent  Date 12/9/2025

~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 9, 2025

Village of Suttons Bay
Zoning Board of Appeals
420 Front Street
Suttons Bay, MI 49682

RE: Interpretation Request – Classification of Dame St. as an Alley

Parcels: 100 & 101 E. Dame Street

Applicant: Inland Seas Education Association

Dear Members of the Board:

Inland Seas Education Association is requesting an interpretation under Section 17 of the Village Zoning Ordinance to determine the appropriate street classification for Dame Street for zoning purposes. During our current Site Plan Review, Village staff applied the CB District side-street standards to the Dame Street corridor based on ordinance language stating that *all east-west streets in the CB District are considered side streets*.

We fully understand staff's rationale. However, this classification framework presumes traditional east-west streets—each approximately 80 feet wide, platted, containing sidewalks, and intended to support form-based frontage patterns. Dame Street shares none of these characteristics. Its origin, geometry, function, and development history are fundamentally different from the “east-west streets” the ordinance contemplated when defining CB side streets.

Dame Street began in 1972 as a private access easement, not as a public street. It did not become Village-owned until a 1991 quit-claim deed transferred the easement area to the Village, unintentionally converting a private side-yard condition into a street-frontage condition that did not exist when the Millside building was constructed in 1978. The corridor is only 29.7 feet wide, slopes at roughly 11%, lacks sidewalk and pedestrian realm, lacks on-street parking, and has always served as **secondary access** to the sides and rear of adjacent buildings. These characteristics fit precisely within the zoning ordinance definition of an *alley*, which states:

“A secondary right-of-way that provides a means of access to the rear of a lot and/or building.”

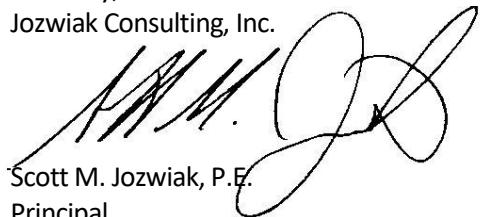
In contrast, applying the CB side-street form-based requirements—such as the 0–5 ft build-to zone and the 50% frontage obligation—to a corridor of this width would result in a tight, compressed, dark, and enclosed space not found anywhere else in the Village. Such a condition would directly conflict with the intent of the CB District, which aims to reinforce predictable, walkable, pedestrian-oriented street environments achievable only on full-width streets such as Madison, Adams, Jefferson, and Broadway.

While the ordinance states that east-west streets are considered side streets, it did not anticipate a unique, non-platted, narrow access corridor such as Dame—a corridor that the Village acquired through an easement rather than through subdivision or deliberate street design. Where literal application produces results contrary to ordinance intent and inconsistent with real-world conditions, the ZBA has the authority to interpret how the ordinance should apply.

For these reasons, Inland Seas respectfully requests that the Zoning Board of Appeals determine that Dame Street, between 100 and 101 E. Dame Street, is most appropriately classified as an alley for zoning purposes, consistent with its physical form, functional role, historical development pattern, and the ordinance's definition.

We appreciate the Board's thoughtful consideration and look forward to presenting the details at the hearing.

Sincerely,
Jozwiak Consulting, Inc.

A handwritten signature in black ink, appearing to read "S. M. Jozwiak".

Scott M. Jozwiak, P.E.
Principal

ZBA INTERPRETATION REQUEST – DAME STREET CORRIDOR

Introduction and Purpose of Request

This request seeks an interpretation under Section 17 of the Village of Suttons Bay Zoning Ordinance to determine whether Dame Street, as it exists between 100 and 101 E. Dame Street, should be classified as an alley for zoning purposes. This determination is necessary because the dimensional and frontage requirements currently applied assume that Dame Street is a CB District side street, which conflicts with its physical, historical, and functional characteristics.

ZBA Authority

Section §17-7(A) allows the ZBA to interpret ordinance provisions when ambiguity exists. Section §17-4(A)(3) authorizes the ZBA to determine meaning and applicability.

Relevant Ordinance Definition

The zoning ordinance defines an alley as: “A secondary right-of-way that provides a means of access to the rear of a lot and/or building.” This functional definition is central to determining which street classification Dame Street fits within the zoning framework.

Alignment of Dame Street with Alley Definition

Dame Street meets the ordinance definition of an alley in every respect:

- It is a secondary corridor, originally constructed as a private access easement in 1972.
- It provides access primarily to the sides and rear portions of 100 and 101 E. Dame along with the southern end of the village marina.
- It does not serve as a frontage street and does not support commercial or pedestrian-oriented activity.
- Its size, scale, and function match the alley classification far more closely than the CB District side street classification.

Physical Differences Between Dame Street and CB District Side Streets

All CB District side streets have approximately an 80 foot wide right of way. In contrast, Dame Street is only 29.7 feet wide and slopes at roughly 11%, well over the max slope of 7% referenced in the ordinance for streets. The corridor lacks sidewalks, on-street parking, and adequate width to support form-based frontage. Applying side-street standards to such a narrow corridor would create a tight, enclosed, and dark condition inconsistent with any other street in the Village.

Historical Development Pattern

- 1972: Dame Street originated as a private access easement to the village marina property.
- 1978: The Millside building was constructed with its frontage oriented toward Front Street, consistent with a side-yard condition.
- 1991: The Village acquired the easement property, unintentionally imposing a street-frontage condition not contemplated at the time of development.
- Post-1991: Dame Street was never improved to resemble a standard CB District street and continues to function as a narrow access corridor.
- 2019: The Village approved site improvements at 100 E. Dame treating the corridor as access-oriented rather than a frontage street.

Form-Based Code Intent Supports Alley Classification

The purpose of the CB District form-based code is to create walkable, activated street frontages. These objectives require wide street sections with pedestrian realms, on-street parking, and consistent building placement. Applying such standards to a 29.7-foot-wide corridor would result in an overly constricted, shadowed, and unsafe environment that does not exist elsewhere in the Village. Classifying Dame Street as an alley aligns its regulatory treatment with its actual function and preserves the intended urban form. Further, it is clear that this segment of Dame Street was not considered when the ordinance was written to identify all east west streets as being considered side streets.

Unlike all other streets in the CB District, Dame Street is not shown in white on the zoning map. This indirectly indicates it was not treated as a street for zoning purposes, but instead as part of the internal zoning fabric—consistent with an alley or secondary access corridor.”

CB District Intent (Section 5-1)

The intent of the CB District is to reinforce Suttons Bay’s traditional main-street form, walkability, sidewalks, predictable frontage lines, and a cohesive pedestrian environment. These assumptions rely on full-width, moderate-grade streets such as Madison, Adams, Jefferson, and Broadway—each with approximately 80-foot rights-of-way. Dame Street in this location does not afford those options.

Master Plan Consistency (§1-2 Requirement)

The zoning ordinance must be applied in a manner consistent with the Village Master Plan. The Master Plan emphasizes walkability, ADA access, connected sidewalks, and traditional street proportions. Applying CB side-street standards to this corridor would contradict these objectives.

Streetscape Proportion Analysis

All CB side streets—Madison, Adams, Jefferson, Broadway—feature approximately 80' rights-of-way, resulting in building-to-building spacing that supports walkability. If CB side-street form were applied to Dame Street, buildings would sit only ~20–30 feet apart, producing a compressed, tunnel-like corridor inconsistent with Suttons Bay’s desired appearance.

Comparison of Applicable Zoning Standards: CB Side Street vs. Alley

Ordinance Standard	CB Side Street	Alley (requested interpretation)
Typical ROW Width	80'	Narrow, secondary access
Building Setback	0 ft min / 5 ft max build-to	No required setback
Parking Setback	25 ft (front yard)	No required setback
Frontage Requirement	50% of bldg. within build-to	None
Intended Character	Walkable, pedestrian street	Service/access corridor
Compatibility with Dame St	Not physically or functionally feasible	Fully aligned with actual conditions

Distinction From Act 51 Designation

This request concerns zoning classification only. A travelway may receive Act 51 designation for funding purposes while still being classified as an alley within the zoning ordinance. Act 51 designation does not determine zoning street type.

Requested Determination

The applicant respectfully requests that the Zoning Board of Appeals determine that Dame Street, between 100 and 101 E. Dame Street, meets the zoning ordinance definition of an alley and should be regulated as such for zoning purposes. This interpretation aligns with the ordinance text, the physical form of the corridor, its historic development pattern, and the intent of the CB District form-based code.

PHOTO EXHIBITS – STREETSCAPE COMPARISON

Exhibit A – Street Typicals

Exhibit A-1 — Madison Street



Madison Street demonstrates the traditional 80-foot CB side-street form with sidewalks, two-sided frontage, and comfortable pedestrian space.

Exhibit A-2 — Typical Alley in the Village



Example of an existing alley within the Village of Suttons Bay. Note the narrow width, secondary access function, and lack of formal pedestrian frontage—characteristics that closely mirror the physical and functional conditions of Dame Street.

Exhibit B — Form-Based Build-To Modeling for Dame Street

Exhibit B-1 — Existing Corridor View



This view shows the actual conditions along the Dame Street corridor, including its narrow width, slope, and nontraditional form. Dame Street is ~29.7 feet wide with a steep slope and no pedestrian realm, differing fundamentally from CB side-street design assumptions.

Exhibit B-2 — Required CB Build-To Massing (Transparent Overlay)



The transparent massing emphasizes the severe conflict between ordinance-required frontage patterns and the corridor's constrained geometry.

December 9, 2025

Village of Suttons Bay
Zoning Board of Appeals
420 Front Street
Suttons Bay, MI 49682

RE: Dimensional Variance Request –CB District Side-Street Standards to Dame St.

Parcels: 100 & 101 E. Dame Street

Applicant: Inland Seas Education Association

Dear Members of the Board:

Inland Seas Education Association is currently seeking Site Plan Review approval from the Planning Commission for improvements to 100 and 101 E. Dame Street. During this process, Village staff determined that the Dame Street corridor must be treated as a CB District “side street” subject to the form-based frontage requirements, including the 0–5 foot build-to zone and the 50% frontage obligation. Because the existing and proposed building conditions cannot meet those requirements, staff directed that we request relief from the Zoning Board of Appeals prior to Planning Commission action. The Planning Commission is expected to consider our project on December 17th, and their approval will be conditioned on the outcome of this variance request.

Dame Street is not comparable to the Village’s other CB District side streets. It originated in 1972 as a private access easement and was later acquired by the Village in 1991, unintentionally converting a private side yard into a public travelway. This change created dimensional conditions that were never contemplated in the site’s original development and were not apparent until modern form-based standards were applied. These constraints are not self-created but are a byproduct of the Village’s acquisition of the 29.7-foot corridor, which introduced a street-frontage condition that functions very differently from a platted right-of-way.

All other CB District side streets are approximately 80 feet wide, providing the spatial framework needed to achieve the form-based character the ordinance intends: consistent building frontage, pedestrian realm, sidewalks, and on-street parking. If the 0–5 foot build-to zone and frontage requirements were applied literally to Dame Street, the resulting condition would create a tight, enclosed, and dark corridor—a type of space that does not exist anywhere else in the Village. Instead of achieving the walkable, open, traditional character envisioned by the CB District, enforcement of these standards on a 29.7-foot corridor would produce the opposite effect: an overly compressed environment with no room for pedestrian circulation, ADA improvements, or the visual openness the form-based code seeks to promote.

The dimensional variances requested would instead allow Dame Street to function more closely to the intended form found elsewhere in the Village, by maintaining appropriate setbacks that preserve openness, improve safety, and honor the historical development pattern of the site.

Accordingly, Inland Seas requests the following variances tailored specifically to this unique corridor:

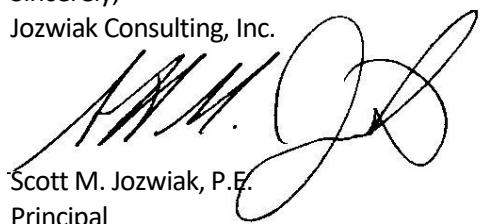
- A 10-foot minimum building setback along Dame Street;
- A 0-foot parking setback along Dame Street; and
- Removal of the 50% frontage-in-build-to requirement.

These adjustments reflect the corridor's physical realities, align with historic site conditions, and are consistent with past administrative practice—including the Village's 2019 staff-level approval at 100 E. Dame Street. They also ensure that Dame Street will maintain a safe, functional, and visually appropriate character rather than becoming a constricted passageway inconsistent with the Village's form-based objectives.

We appreciate the Board's time and consideration and look forward to presenting the full context and justification for these requested variances.

Thank you for your consideration.

Sincerely,
Jozwiak Consulting, Inc.

A handwritten signature in black ink, appearing to read "S. M. Jozwiak".

Scott M. Jozwiak, P.E.
Principal

ZBA INTERPRETATION REQUEST – DAME STREET CORRIDOR

Project Summary

The Dame Street corridor is uniquely constrained in width, grade, history, and function. At only 29.7 feet wide, with an 11% slope, and originating as a private access easement later converted to Village ownership, the corridor does not resemble the platted, 66–80 foot-wide side streets for which the CB District form-based standards were written. The requested variances establish building and parking setbacks that are physically achievable and contextually appropriate, while eliminating frontage requirements that cannot be satisfied within this unusually narrow, non-standard corridor. These variances allow reasonable redevelopment and continued use of the Inland Seas campus consistent with past Village approvals, Village needs, and the intent of the Zoning Ordinance.

Introduction and Purpose of Request

This dimensional variance request applies to the Dame Street corridor frontage between 100 and 101 E. Dame Street. The applicant seeks:

- A 10-foot minimum building setback along Dame Street;
- A 0-foot parking setback along Dame Street; and
- Removal of the 50% frontage-in-build-to requirement.

These standards replace dimensional requirements that cannot be physically or contextually applied to this corridor.

CB District Intent (Section 5-1)

The intent of the CB District is to reinforce Suttons Bay's traditional main-street form, walkability, sidewalks, predictable frontage lines, and a cohesive pedestrian environment. These assumptions rely on full-width, moderate-grade streets such as Madison, Adams, Jefferson, and Broadway—each with approximately 80-foot rights-of-way.

Master Plan Consistency (§1-2 Requirement)

The zoning ordinance must be applied in a manner consistent with the Village Master Plan. The Master Plan emphasizes walkability, ADA access, connected sidewalks, and traditional street proportions. Applying CB side-street standards to this corridor would contradict these objectives.

Streetscape Proportion Analysis

All CB side streets—Madison, Adams, Jefferson, Broadway—feature approximately 80' rights-of-way, resulting in building-to-building spacing that supports walkability. If CB side-street form were applied to Dame Street, buildings would sit only ~20–30 feet apart, producing a compressed, tunnel-like corridor inconsistent with Suttons Bay's desired appearance.

Historical and Regulatory Background

Dame Street originated in 1972 as a private access easement granted to the Village to reach marina property. The Millside building (101 E. Dame) was constructed around 1978 when this corridor functioned as a private side yard and fully conformed to zoning standards at the time. In 1991, the Village accepted the easement land via quit-claim deed, creating an unintended public-street frontage condition.

In 2018, the Village adopted form-based CB District standards including a 0–5 foot build-to zone and 50% frontage

requirement. These standards were drafted for typical 66–80 foot-wide CB side streets—not for Dame Street, which lacks the physical characteristics necessary to implement a form-based frontage.

Physical Characteristics of the Dame Street Corridor

The corridor is approximately 29.7 feet wide—about half the width assumed for CB District streets—and slopes at approximately 11%. These conditions prevent application of a build-to zone, safe pedestrian frontage, or consistent building massing along the corridor.

As Dame Street continues east beyond the Inland Seas parcels, the traveled way departs from public land and enters Inland Seas property. This unusual off-right-of-way alignment further demonstrates that Dame Street does not function as a conventional public street and reinforces the need for context-specific dimensional standards.

2019 Staff Approval – Administrative Practice and Reliance

In 2019, the Village administratively approved a full parking lot reconstruction at 100 E. Dame Street. Staff applied a 15-foot parking setback but did not apply CB form-based side-street standards or a 25-foot conventional front-yard setback. The exact basis for this setback is unclear, but the approval demonstrates that Dame Street has not historically been treated as a frontage street. Inland Seas reasonably relied on this administrative practice during subsequent property acquisition and planning efforts. The current application of side-street form-based standards represents a change in interpretation that creates a hardship not of the applicant's making.

Nature of Requested Variances

The applicant requests the following dimensional variances for the Dame Street corridor frontage of 100 and 101 E. Dame Street:

1. A 10-foot minimum building setback along Dame Street (replacing the CB 0–5 foot build-to requirement).
2. A 0-foot parking setback along Dame Street. Inland Seas does not intend to place parking directly at the property line; however, the physical site conditions already limit feasible parking locations, making a prescribed setback unnecessary.
3. Removal of the requirement that 50% of the building frontage be located within a 0–5 foot build-to zone along Dame Street.

No other zoning standards are proposed to be modified.

Compliance with Dimensional Variance Criteria

a. Unique physical conditions and practical difficulty

The Dame Street corridor's narrow width, steep grade, off-right-of-way alignment, and origin as a private access easement create conditions not found elsewhere in the CB District. These features make application of standard CB form-based frontage, setback, and parking standards impractical and inconsistent with the corridor's function. All east-west streets in the CB district are 80' wide with exception to this segment of Dame Street.

b. Hardship not self-created

The current hardship stems from the Village's 1991 acquisition of the easement area and the later adoption and interpretation of CB form-based standards in 2018. The Millside building was compliant when constructed, and Inland Seas relied on the Village's 2019 administrative approval for site improvements. The applicant did not create the frontage condition or change the standards.

c. Strict compliance prevents reasonable use or is unnecessarily burdensome

Strict application of the CB build-to, frontage, and parking setback standards would force building mass toward a steep, narrow corridor, eliminate space needed for ADA circulation and site access, and restrict parking locations beyond what physical conditions already dictate. This would prevent reasonable redevelopment and impose burdens unrelated to the ordinance's intent.

d. Substantial justice to the applicant and neighbors

Granting the requested variances provides substantial justice by aligning regulation with the corridor's actual conditions and with past Village administrative practice. It allows Inland Seas to reinvest in and improve its campus without creating adverse impacts on neighboring properties or users of Dame Street. Further, it will allow for the construction of an ADA sidewalk on the Millside property.

e. No adverse impact on surrounding property or district

The requested variances will not adversely affect the use or value of nearby properties. The building and parking setbacks will maintain or improve existing spatial relationships, and removal of the frontage requirement will not change the essential character of the corridor or the CB District.

Proposed Findings of Fact

For the ZBA's consideration, the applicant proposes the following findings of fact:

1. Dame Street does not conform to typical CB District side-street form-based street types in width, grade, or alignment.
2. The corridor is approximately 29.7 feet wide and slopes at about 11%, making CB frontage standards physically infeasible.
3. The traveled way partially departs from public right-of-way and enters Inland Seas property, confirming its non-platted, access-oriented nature.
4. The Millside building was built in compliance with zoning standards in place at the time; the hardship arises from later municipal actions and evolving interpretations.
5. The 2019 administrative approval for 100 E. Dame Street demonstrates that Dame Street has not historically been treated as a standard frontage street under CB or front-yard setback standards.
6. The requested 10-foot building setback, 0-foot parking setback, and removal of the 50% frontage requirement are reasonable and will not adversely affect surrounding properties or the CB District.
7. Proposed Motion Language

"Motion to approve variances establishing a 10-foot minimum building setback, a 0-foot parking setback, and elimination of the 50% frontage requirement along Dame Street for 100 and 101 E. Dame Street, based on the findings of fact presented in the applicant's submittal and the standards of Section 17-6 of the zoning ordinance."

PHOTO EXHIBITS – STREETSCAPE COMPARISON

Exhibit A – Madison Street (CB Side Street Example)



Madison Street demonstrates the traditional 80-foot CB side-street form with sidewalks, two-sided frontage, and comfortable pedestrian space.

Exhibit B — Form-Based Build-To Modeling for Dame Street

Exhibit B-1 — Existing Corridor View



This view shows the actual conditions along the Dame Street corridor, including its narrow width, slope, and nontraditional form. Dame Street is ~29.7 feet wide with a steep slope and no pedestrian realm, differing fundamentally from CB side-street design assumptions.

Exhibit B-2 — Required CB Build-To Massing (Solid Model)



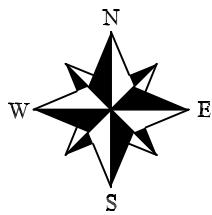
This rendering illustrates the building mass that would be required to comply with the CB District's 0–5' setback requirement, highlighting the impracticality within this corridor.

Exhibit B-3 — Required CB Build-To Massing (Transparent Overlay)



The transparent massing emphasizes the severe conflict between ordinance-required frontage patterns and the corridor's constrained geometry.

CERTIFICATE OF SURVEY



Lot 155 Block 41
N. Line of Madison St. Extended

Paved
Parking

LEGEND

- = Set Iron
- = Found Iron
- ◎ = Found Monument
- ✗ = X in Concrete
- (R) = Record
- (M) = Measured
- = Utility Pole
- = Transformer

SCALE: 1"=60'

0 30 60

Leelanau Transit Co. Railroad
L.2, P.463

N12°17'40"E 199.46'(M)
East R/W Leelanau Transit Co.
Per Liber 5 of Surveys Page 114

Parcel
#043-767-002-00

889.52'(M) from West 1/4 Corner
889.40'(R) L.2, P.463

205.28'(M)

East-West 1/4 Line

West 1/4 Corner
Sec. 28, T30N, R11W
County Remon
LCRC L.2 P.231

Legal Description: (As Recorded Liber 1178, Page 780)

The land referred to in this commitment is described as follows:

Situated in the Village of Suttons Bay, County of Leelanau, State of Michigan, is described as follows:

Part of Government Lot 2, Section 28: Commencing at the West 1/4 corner; thence East, 1120.74 feet; thence North 10°55'00" East, 189.10 feet to the Point of Beginning; thence North 78°15'00" West, 200.00 feet to the Easterly right-of-way of the Leelanau Transit Railroad; thence North 10°55'00" East, along the Easterly right-of-way, 214.50 feet; thence South 78°15'00" East, 200.00 feet; thence South 10°55'00" West, 214.50 feet to the Point of Beginning, being part of Section 28, Town 30 North, Range 11 West.

I, the undersigned, being a Professional Surveyor in the State of Michigan, hereby certify that I have surveyed and mapped the parcel(s) heron described and that the relative positional precision of each corner is within the limits accepted by the practice of professional surveying and that the requirements of P.A.132 of 1970, as amended, have been complied with.

Bearing Basis: MSPCS Zone 2112



**GRAND TRAVERSE
SURVEYING & MAPPING**

PO Box 87
Cedar, MI 49621
Phone: 231-947-2555

Location:
Part of Government Lot 2
Section 28, T30N, R11W
Village of Suttons Bay
Leelanau County, MI

Client: Inland Seas
Education Association

Date: 2/5/25

Job #: 25513

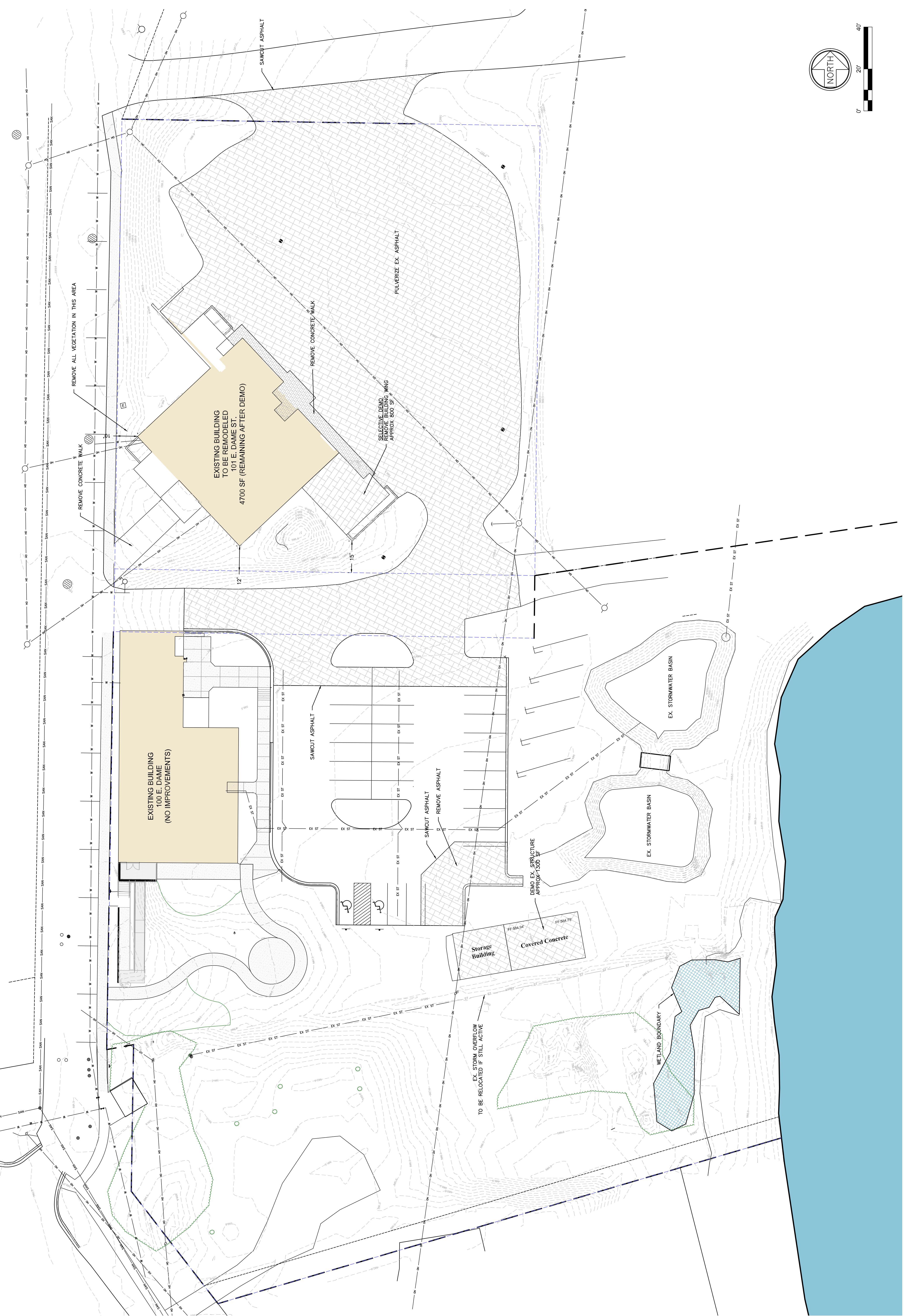
Drawn: ZSB

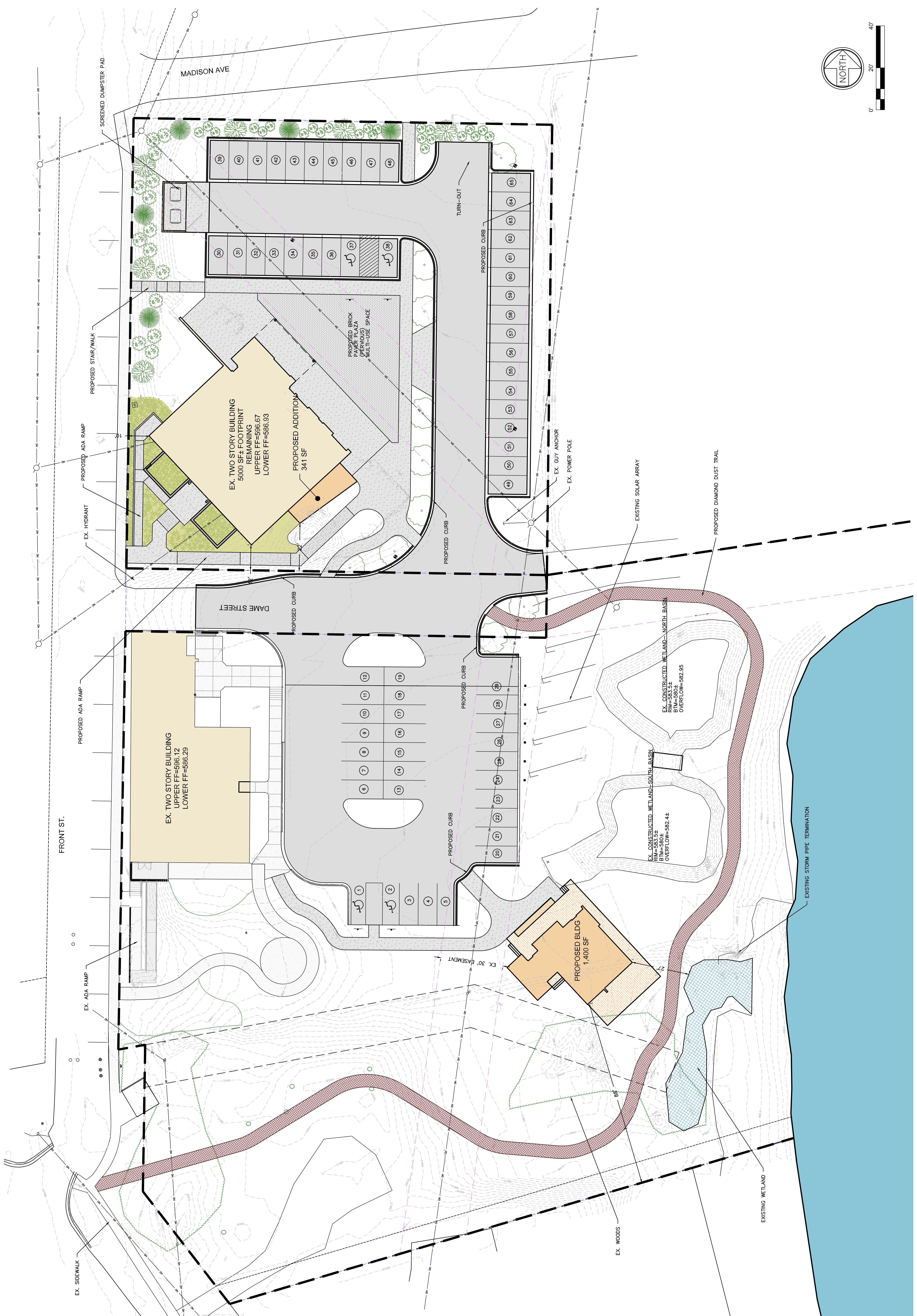
Sheet: 1 of 1

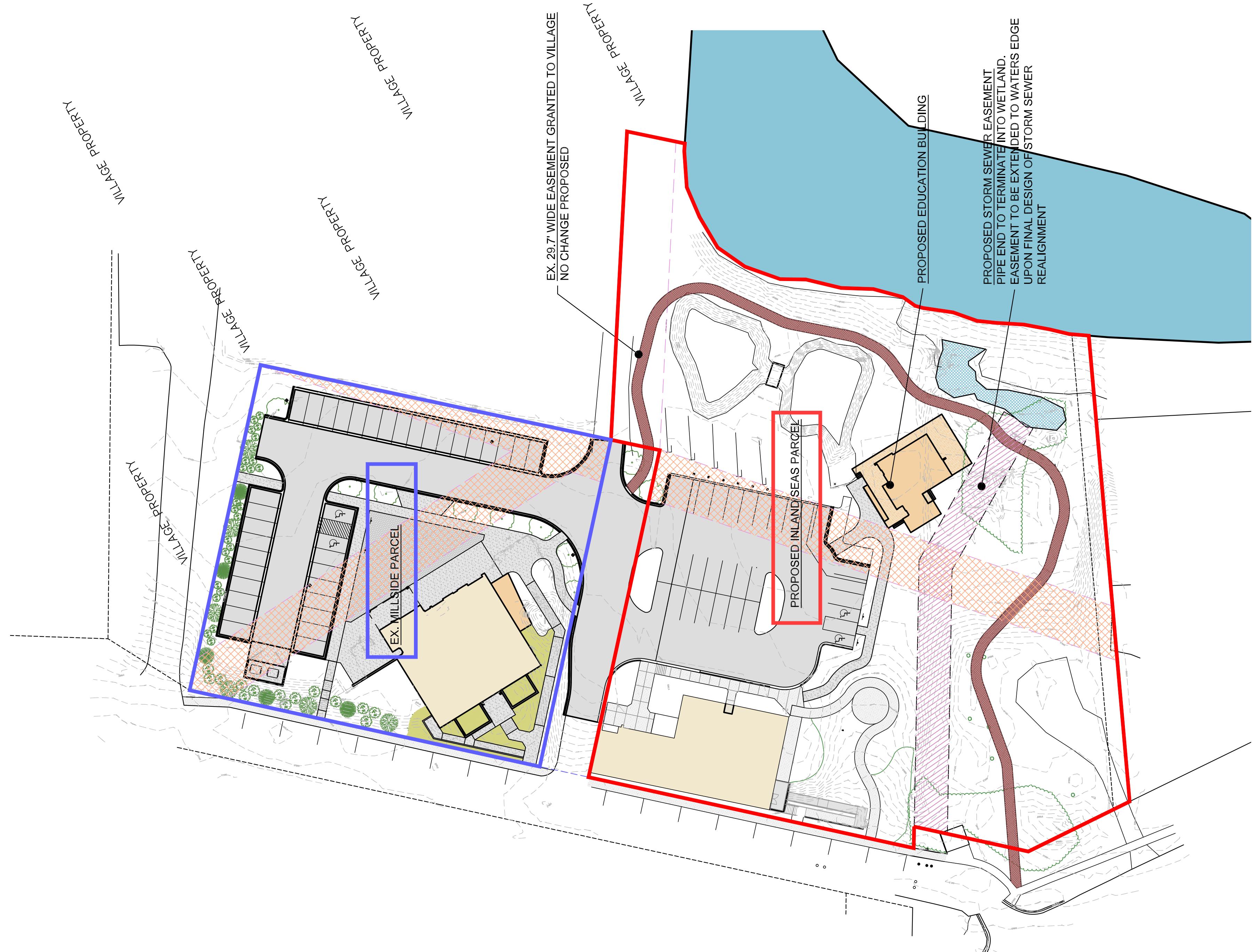
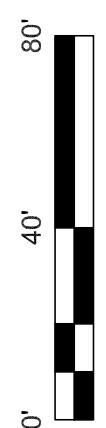
EDUCATION ASSOCIATION EXPANSION PROJECT

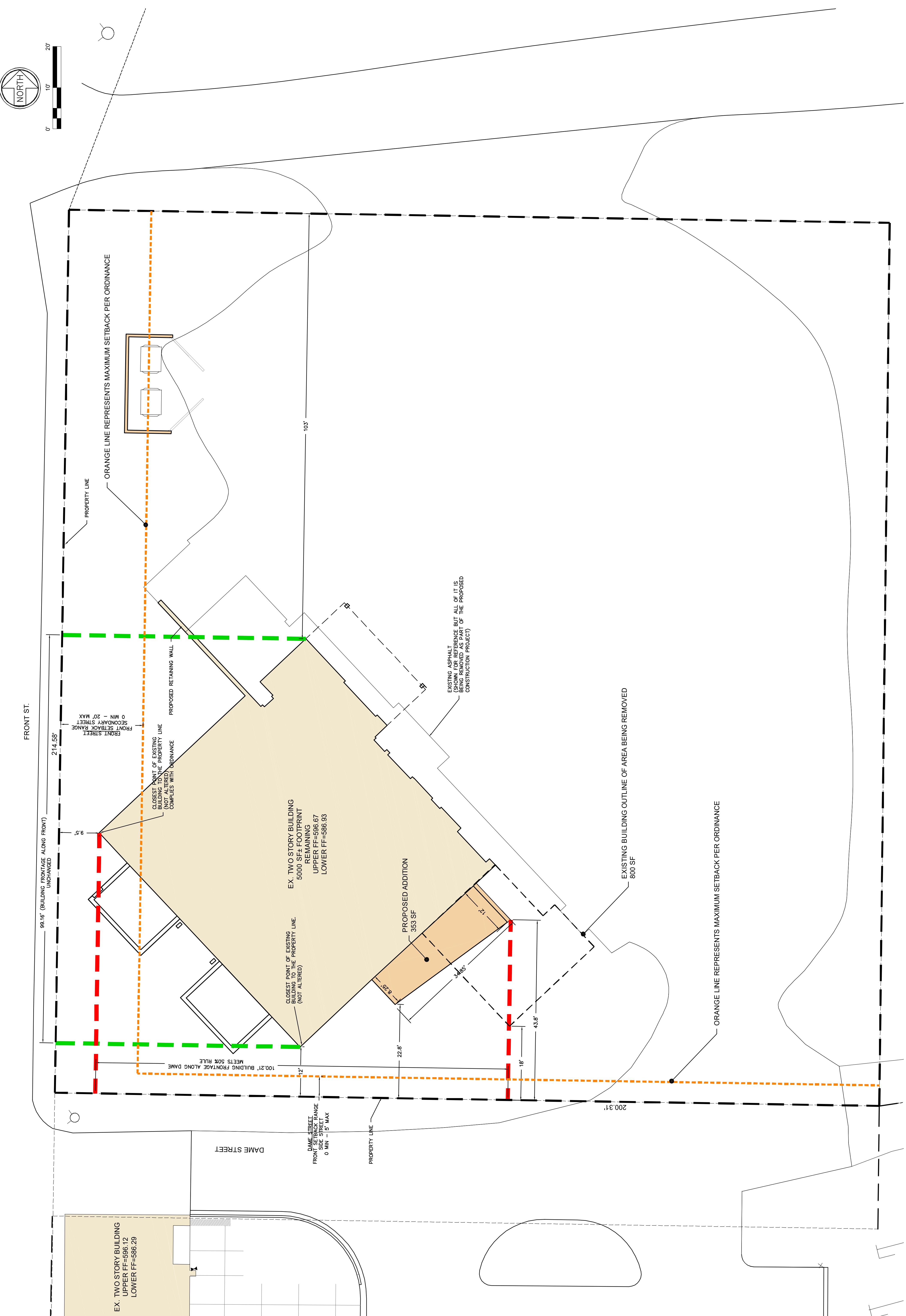


A compass rose is located in the bottom left corner, with the word "NORTH" at the top. To its right is a vertical scale bar with markings at 40' and 80'.









KNOW ALL MEN BY THESE PRESENTS: That Wilbur C. Munnecke and Mary Louise Munnecke, his wife, whose address is Leland, Michigan 49654

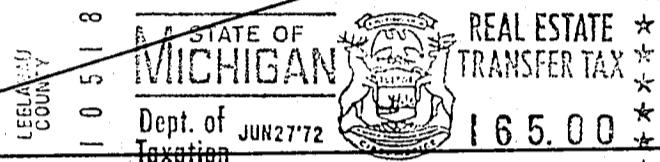
Convey ~~to~~ and Warrant ~~to~~ to the Village of Suttons Bay, a municipal corporation organized under the laws of the State of Michigan whose address is Suttons Bay, Michigan 49682

the following described premises situated in the Village of Suttons Bay
County of Leelanau and State of Michigan, to-wit:

as described in the SCHEDULE attached hereto and made a part hereof

REGISTERS OFFICE LEELANAU COUNTY, MICHIGAN SS. Received for record the 27th of June A.D. 1972 at 2:20 P.M. and recorded in Liber 162 of Records on pages 206 to 209 Incl.

Helen Korson Helen Korson, Register of Deeds
P.A.



for the full consideration of one hundred fifty thousand (\$150,000.00) dollars

subject to the exceptions set forth in the SCHEDULE attached hereto and made a part hereof.

Dated this 26th day of June, 19 72

Witnesses:

Lorraine Flaska
Lorraine Flaska

Marjorie A. Ferry
Marjorie A. Ferry

Signed and Sealed:

Wilbur C. Munnecke
Wilbur C. Munnecke

Mary Louise Munnecke (L.S.)
Mary Louise Munnecke

(L.S.)

STATE OF MICHIGAN
COUNTY OF Leelanau } ss.

The foregoing instrument was acknowledged before me this
by Wilbur C. Munnecke and Mary Louise Munnecke, his wife,

My commission expires

January 12, 1976

Instrument Bishop & Verdier, Attys. at
Drafted by Law

26th day of June, 19 72
Marjorie A. Ferry
Marjorie A. Ferry
Notary Public Leelanau County, Michigan

Business Address 118 N. Main, Leland, Mich. 49654

County Treasurer's Certificate
STATE OF MICHIGAN,
County of Leelanau, ss. Leland, June 27, 1972
I hereby certify, that there are no tax liens or titles held by the State or
by individuals on the land herein described in the within instrument, and
that all taxes due thereon have been paid for the five years preceding
the date of said instrument as appears by the records in my office. This
does not cover taxes in process of collection by Township, Cities or
Villages.

City Treasurer's Certificate

Recording Fee

When recorded return to Michael J. Watson,

State Transfer Tax

Suttons Bay, Michigan 49682

Send subsequent tax bills

to

Tax Parcel #

SCHEDULE OF PROPERTY

and

SCHEDULE OF EXCEPTIONS

PARCEL 1: A parcel of filled Lake Michigan bottomland, situated opposite, adjacent and contiguous to Government Lot 2, Section 28, Township 30 North, Range 11 West, described as commencing at the Southeast corner of Block 8, Plat of Village of Suttons-burgh, thence North 60 feet; thence East 92.50 feet to the Point of Beginning; thence East 360 feet; thence South 73 degrees 30 minutes East 833.21 feet; thence South 20 degrees 31 minutes 29 seconds West 288.58 feet; thence North 81 degrees 55 minutes West 770.07 feet; thence North 87 degrees 08 minutes 21 seconds West 94.14 feet; thence North 10 degrees 55 minutes East 240.13 feet; thence North 78 degrees 15 minutes West 90.01 feet; thence North 78 degrees 47 minutes 30 seconds West 170 feet; thence North 4 degrees 21 minutes 3 seconds East 107.09 feet to the Point of Beginning, excepting therefrom any portions of Lots 155 and 156, Block 41, Plat of the Village of Suttons-burgh, now Suttons Bay, Michigan and Madison Avenue, a public Street, that may lie within the above description.

PARCEL 2: All land lying North of the East-West quarter line of Section 28, Township 30 North, Range 11 West, and between the above Parcel Number 1, and a line described as follows: Commencing at a point on said East-West quarter line of Section 28, Township 30 North, Range 11 West, which is 1120.74 feet East of the West quarter post of said section and 203.94 feet recorded (205.20 feet measured) East of the East right of way line of Leelanau Transit Company Railroad, for Point of Beginning of said line, thence North 10 degrees 55 minutes East 159.72 feet recorded (159.40 feet measured); thence North 78 degrees 56 minutes West recorded (North 78 degrees 47 minutes 30 seconds West measured) 199.98 feet recorded (200.20 feet measured) to the East line of said railroad right of way; thence North 10 degrees 55 minutes East along the East line of said right of way 29.70 feet; thence South 78 degrees 56 minutes East, recorded (South 78 degrees 47 minutes 30 seconds East measured) 199.98 feet recorded (200.20 feet measured) along the Northerly line of what is commonly known as the Dock Road; thence North 10 degrees 55 minutes East 214.50 feet more or less to a point on the South boundary of Parcel Number 1, and point of ending of said line, excepting from Parcels Number 1 and 2 above, the land described in the deed dated October 3, 1956, recorded October 18, 1956 in Liber 112 of Deeds, Page 491, Leelanau County Records.

PARCEL 3: An easement for ingress and egress over and across the Northerly 29.7 feet of the land described in said deed recorded in Liber 112 of Deeds, Page 491, Leelanau County Records.

PARCEL 4: Also that certain tract or parcel of land described as follows: to-wit: Beginning at an iron stake 224 feet North and 37 feet East of a tile at intersection of central line of Broadway and St. Joseph Avenue, in the said Village of Suttons-burgh, now Suttons Bay in the County of Leelanau, and State of Michigan; running thence East 1 chain and 11 links to an iron stake in the West line of said Railroad Company right of way; thence South 10 degrees 55 minutes West 46 links to an iron stake; thence West 1 chain and 3 links to an iron stake in the East line of said St. Joseph Avenue; thence Northerly along the East line of said St. Joseph Avenue 45 links to an iron stake at place of beginning; the North 10 feet thereof being reserved to the public for a driveway, which driveway is also to extend Eastward to a point 200 feet East from the right of way of said Leelanau Transit Company Railroad.

SCHEDULE OF PROPERTY and SCHEDULE OF EXCEPTIONS CONTINUED:

Subject to the following exceptions:

A. Easement in favor of the public for a driveway over the North 10 feet of Parcel Number 4, and over the North 10 feet of that part of Parcel Number 2, commonly known as Dock Road, a distance of 200 feet East of the East line of Leelanau Transit Company Railroad recorded in Liber 47 of Deeds Page 237; and also Liber 114 of Deeds, Page 186.

B. Easement for sanitary sewer granted to Village of Suttons Bay, dated June 11, 1941, recorded August 27, 1941 in Liber 74 of Deeds, Page 233.

C. Easement for electrical transmission in favor of Consumers Power Company dated February 7, 1953, recorded April 21, 1953 in Liber 104 of Deeds, Page 93.

D. Reservation in favor of St. of Michigan of all minerals, coal, oil, gas, sand, gravel, stone, etc., with right of entry, pursuant to Sec. 3, Act 247 of P.A. of 1955 as amended, contained in Dept. of Conservation deed dated May 10, 1962, recorded June 1, 1962 in Liber 129 of Deeds, Page 534.

QUIT CLAIM DEED

THE GRANTOR, NORTHERN LUMBER CO. OF SUTTONS BAY, INC., a Michigan corporation, whose address is P.O. Box 307, Suttons Bay, Michigan, 49682, conveys and quit claims to the VILLAGE OF SUTTONS BAY, a political subdivision of the State of Michigan, whose address is P.O. Box 395, Suttons Bay, Michigan, 49682, its interest in certain real property located in the Village of Suttons Bay, Suttons Bay Township, Leelanau County, Michigan, more fully described as:

That part of Dock Road lying Easterly of the Leelanau Transit Company Railroad, being part of Government Lot 2, and filled bottomlands in Section 28, Town 30 North, Range 11 West, Village of Suttons, Suttons Bay Township, Leelanau County, Michigan, and bounded as follows: Commencing at the West 1/4 corner of said section; thence East along the East-West 1/4 line, 915.01 feet to the Easterly right of way of said Railroad; thence North 11 degrees 15 minutes 30 seconds East along said right-of-way, 199.31 feet to the Southerly side of Dock Road and the Point of Beginning; thence continuing North 11 degrees 15 minutes 30 seconds East, 29.72 feet to the Northerly side of said road; thence South 78 degrees 47 minutes 50 seconds East along said Northerly side of said road, 200.24 feet; thence South 10 degrees 35 minutes 01 seconds West a distance of 29.72 feet, more or less, to a point which is South 78 degrees 47 minutes 50 seconds East, 200.59 feet from the Point of Beginning; thence North 78 degrees 47 minutes 50 seconds West, 200.59 feet to the Point of Beginning;

The property described in this Quit Claim Deed is the Westerly part of Dock Road as shown on the Certificate of Survey dated November 30, 1990, prepared by R. Max Harris, R.L.S. #25845, File No. 90-11-1406;

for the sum of ONE DOLLAR (\$1.00) and no other consideration.

THIS INSTRUMENT IS EXEMPT FROM TRANSFER TAX PURSUANT TO
MSA 7.456(5)(1).

Dated this 13 day of March, 1991.

Ronald K. Hart
REGISTER OF DEEDS

1991 MAR 28 AM 10:05

STATE OF MICHIGAN
COUNTY OF LEELANAU
RECEIVED FOR RECORD

11/28/91
11/28/91

EASEMENT AGREEMENT

THE GRANTOR, NORTHERN LUMBER CO. OF SUTTONS BAY, INC., a Michigan corporation, whose address is P.O. Box 307, Suttons Bay, Michigan, 49682, For No Consideration, hereby grants to the VILLAGE OF SUTTONS BAY, a political subdivision of the State of Michigan, whose address is P.O. Box 395, Suttons Bay, Michigan, 49682, an Easement for ingress and egress and for the laying, operation and maintenance of public utilities, both above and below ground, over and across a parcel of property described as:

That part of Dock Road lying Easterly of the Leelanau Transit Company Railroad, being part of Government Lot 2, and filled bottomlands in Section 28, Town 30 North, Range 11 West, Village of Suttons Bay, Suttons Bay Township, Leelanau County, Michigan, and bounded as follows: Commencing at the West 1/4 corner of said section; thence East along the East-West 1/4 line, 915.01 feet to the Easterly right of way of said Railroad; thence North 11 degrees 15 minutes 30 seconds East along said right-of-way, 199.31 feet to the Southerly side of Dock Road; thence continuing North 11 degrees 15 minutes 30 seconds East, 29.72 feet to the Northerly side of said road; thence South 78 degrees 47 minutes 50 seconds East along said Northerly side of said road, 200.24 feet for the Point of Beginning; thence continuing along said Northerly side of said road South 87 degrees 59 minutes 30 seconds East, 185.03 feet; thence South 10 degrees 40 minutes 30 seconds West, 29.73 feet to the Southerly side of said road; thence along said Southerly side of said road North 87 degrees 59 minutes 30 seconds West, 185.00 feet; thence North 10 degrees 35 minutes 01 seconds West a distance of 29.72 feet, more or less, to the Point of Beginning.

It is the intent of this Grant of Easement to confirm in the Village of Suttons Bay an unencumbered access for ingress and egress and the other purposes stated above to its property known as the Coal Dock and described in the Warranty Deed recorded in Liber 162, Pages 206 through 209, and to the extent the Easement described above is not adjacent to said property, it shall be deemed extended Easterly thereto so that its Easterly boundary is adjacent to that Coal Dock property described in the Warranty Deed recorded in Liber 162, Pages 206 through 209.

It is also the intent of this Grant of Easement to burden acquired property adjacent to, contiguous with or underlying the Grant described above by E & B Development Company from the State of Michigan.

THIS INSTRUMENT IS EXEMPT FROM TRANSFER TAX PURSUANT TO
MSA 7.456(5)(1)

The Easement herein granted is over the Easterly part of Dock Road as shown on the Certificate of Survey dated November 30, 1990, prepared by R. Max Harris, R.L.S., #25845, File No. 90-11-1406.

Dated this 13th day of March, 1991.

Witnesses:

Deborah Everson
Deborah Everson

Donna Herman
Donna Herman, a/k/a
Donna Marie Herman

STATE OF MICHIGAN)
) ss
County of Leelanau)

The foregoing instrument was acknowledged before me, a Notary Public, this 13th day of March, 1991, by GARY W. BEUERLE, President of NORTHERN LUMBER CO. OF SUTTONS BAY, INC., a Michigan corporation, who acknowledged that he acted on behalf of and with the authority of the Board of Directors of said corporation.

DONNA MARIE HERMAN
Notary Public, Leelanau County, MI
My Commission Expires 5-4-91

Donna Marie Herman
Notary Public
County:
My Commission Expires: 5/4/91

Prepared By:

DONALD A. BRANDT, ESQ.
Smith, Johnson, Brandt & Heintz, Attorneys, P.C.
603 Bay Street, P.O. Box 705
Traverse City, Michigan 49685-0705
(616) 946-0700

Barbara Heintz
REGISTRATION OF DEEDS

1991 MAR 28 AM 10:05

STATE OF MICHIGAN
COUNTY OF LEELANAU
RECEIVED FOR RECORD