



## VILLAGE OF SUTTONS BAY

### Via Remote Access

Village Planning Commission  
420 Front Street, Suttons Bay

November 12, 2020 at 5:30 pm  
Agenda

**Electronic Remote Access, in accordance with Public Act 228 of 2020 will be implemented in response to COVID-19 social distancing requirements and Michigan Health and Human Services restrictions of indoor gatherings. The public may participate in the meeting through Zoom access by computer and smart phone and can find the link on our website at [www.suttonsbayvillage.org](http://www.suttonsbayvillage.org)**

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
6. Public comment/Written communications (Reserved time for items listed on the Agenda). Please limit remarks to no more than three (3) minutes
7. Old Business
  - a. Report VSB-2020-52 Waterfront District
8. New Business
  - a. Fence Form discussion – No Report
  - b. Report VSB-2020-50 – Annual budget
9. Public comment
10. Reports
  - a. Zoning Administration Report
  - b. ZBA Report
  - c. Managers Report
  - d. Village Council updates
11. Good of the order
12. Announcements: The next meeting date is December 9, 2020.
14. Adjournment

Roberto Larrea is inviting you to a scheduled Zoom meeting.

Topic: Village of Suttons Bay Planning Commission

Time: Nov 12, 2020 05:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/88328151344?pwd=YldzbnQ3NklZbTNvbXFIVnN6VE16UT09>

Meeting ID: 883 2815 1344

Passcode: 697571

One tap mobile

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VILLAGE OF SUTTONS BAY  
PLANNING COMMISSION  
MEETING MINUTES OF OCTOBER 14, 2020

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

Present: Hetler, Hylwa, Pontius, Ostrowski, Smith and Suppes

Absent: Danielson

Staff Present: Fay, Larrea, Miller and Couturier

#### Approval of Agenda

Ostrowski moved, Suppes seconded, CARRIED, to approve the Agenda as presented, with an affirmative unanimous roll call vote. Ayes: 6, No: 0.

#### Approval of Minutes

Smith moved, Pontius seconded, CARRIED, to approve the Planning Commission meeting minutes of September 9, 2020; Ostrowski moved, Pontius seconded, CARRIED to approve the Planning Commission meeting minutes of September 23, 2020, with an affirmative unanimous roll call vote. Ayes: 6, No: 0.

#### Public Comment/Written Communications

Rick Andrews of 361 S. Shore Drive is grateful for the waterfront survey conducted and the amount of responses received.

#### Old Business

##### Waterfront District Discussion Continued

Commissioners briefly discussed the survey results. Larrea stated he will continue to compile all information received during this process into a report format for the next meeting.

##### Parks and Recreation Plan discussion Continued

Three Commissioners took on the task of evaluating the Action Plan of the current Parks and Rec Plan, and consistently the Parks showed neglect. They all need water fountains, benches, picnic tables and signage. These items could be placed in the 2021 budget. Commissioners discussed water bottle fillers instead of water fountains. Larrea stated he would research costs associated with the water bottle fillers. Commissioners further discussed Marina boat launch closure, specifically is it permanent, and does the North Park boat launch accommodate launching all types of boats? Larrea will check into this and discussions will continue. A dog park was briefly discussed but there is little support to investigate it further. Larrea will provide a homework assignment as the next step prior to the next meeting. Ostrowski will look into adding information about North Park to the State Water Trail website.

## Reports

### Zoning Administration Report

Couturier reported not a lot of permitting right now. She is working on some enforcement issues.

### Manager Report

Larrea stated staff has been working on the budget that would include money for parks. Larrea is looking for granting opportunities to replace the pedestrian bridge. The TAP grant project is ongoing, specifically asphalt issues. He stated compliments received from Inland Seas in regards to armoring the Coal Dock. There is a repair project going on next week; S Shore and Pineview by Suttons Park. Some of the Village roads have deteriorated and there will be short and long-term plans to fix the roads. There is a proposal before Village Council for a segment of Elm Street. Pineview was renamed to S. Richter a few years ago but signage was never changed. Signage has been ordered. Viking Cruise Lines would like to continue discussions and Zoom meeting is scheduled.

### ZBA Report

Couturier reported a ZBA meeting scheduled just to approve minutes.

### Village Council updates

Suppes reported that the Elm Street project should begin soon. KAL Excavating will be working on that project.

## Good of the Order

Smith would like signage on the sidewalks prohibiting bikes and skate boards; this will be a spring project. Smith asked about replanting trees; that too will be a spring/fall project and likely for the next three years to catch up.

Hylwa asked about the wooden walk way behind Millside: Larrea stated it is on the work plan.


## Announcements

The November 11<sup>th</sup> meeting is on a Village Holiday, so it will be rescheduled to another date.

## Adjournment

Suppes moved, Ostrowski seconded, CARRIED, to adjourn the meeting. The meeting adjourned at 6:17 p.m. Ayes: 6, No: 0.

Meeting minutes submitted by Shar Fay, Village Clerk.

		<b>VILLAGE OF SUTTONS BAY</b> <b>REPORT VSB -2020 - 52</b>	
Prepared:	11-3-20	Pages:	1 of 1
Meeting:	11-12-20	Attachments:	<input checked="" type="checkbox"/>
Subject:	Waterfront District Evaluation		

**OVERVIEW**

At a meeting of the planning commission it was requested of Staff to review the Single-Family Waterfront Residential district (SFWR) and determine if the current dimensional standards warranted a reduction. During the course of this review, the Planning Commission has considered a number of individual factors, which were then weighed as part of a broader evaluation. Staff will touch briefly on some of the more pertinent findings and observations as we worked through the process.

**HISTORIC ZONING**

The Village adopted its first “official” Zoning Ordinance in 1974, repealing the Interim Zoning Ordinance adopted in 1970. The dimensional lot standards were essentially the same as those in the interim ordinance therefore, we did not incorporate those standards into this evaluation.

TABLE 1 – Lakefront Lot Dimensional Standards

Year	Lakefront District	Minimum Lot Area (SF)	Minimum Lot Width	Minimum Lot Depth	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Waterfront Setback
1974	MDR	9,600	80	N/A	30	10	30	30
1991	MDR	10,000	40	N/A	35	15	40	40
2006	SFW	20,000	100	200	25	15	50	50
2018	SFW	20,000	100	200	25	15	50	50

In reviewing Table 1, one can observe the drastic shifts in dimensional standards along the lakeshore that would result in properties ranging in area from 3,500 sf to nearly 173,000 sf (0.07 acres to 3.97 acres). The 2006-dimensional changes were among the most drastic of changes, ultimately doubling the minimum lot area and more than doubling the minimum lot width requirement. Changes of this magnitude will always result in non-conformities. In observing the minimum dimensions of properties along the lakeshore, the following was noted:

- 30 of 43 properties meet the current **minimum lot width** of 100 feet
- 16 of 43 properties meet the current **minimum lot depth** standard.
- 14 of 43 properties meet the current **minimum lot area** standard of 20,000 feet
- 3\* of 43 properties are **vacant** (2 of 34 possible)
- 2 of 4 **vacant** properties would require numerous variances to be developed

The high number of non-conformities associated with the minimum lot area is a clear indication that the dimensional changes, were instituted following a near buildout of waterfront properties. Whether this was a coincidence or an indication of a desire to protect the water from increased density at the time is unknown but likely. Instituting such a large change at the time is probably the most effective way to limit some of the larger parcels from redeveloping into (single family) condominium developments.

\* One parcel would require further research to determine if it is a separate parcel, however, the result is irrelevant to the evaluation.

### WALKING AUDIT

A walking audit, performed by the entire planning commission was intended to educate commissioners on the physical makeup of properties along the lake shore. This exercise would provide commissioners with an understanding of how many properties were vacant, how the various lot sizes are viewed in relation to others and if changing the minimum dimensional standards was warranted.

Four parcels were observed to be vacant. One parcel meets all the current standards and is clearly a buildable lot from an observational standpoint. The other parcel, meets the minimum lot width, yet cannot meet the minimum lot area and is burdened by the minimum lot depth requirement, which I will touch on later in this report. This parcel is clearly larger than those adjacent to the property and with the exception of current zoning standards, appears to be buildable.

In observing home placement and how they relate to one another, homes appear to be somewhat uniformly placed, which is an indication that the redevelopment of this area has yet to occur. Some homes were observed to be located noticeably closer to the water than others, which means they were either built prior to 2006 or they received a variance. Home placement and varying lot sizes do not appear to be an issue, rather, it seemed to bring a uniqueness to the district. In fact, would argue that this lack of uniformity and irregularity in lot size is what makes this area more desirable than other lakefront locations.

### PUBLIC COMMENT

During the public comment portion of the September Planning Commission meeting, one individual spoke in favor of changing the district standards, while several residents currently living in the Single-Family Waterfront Residential District, spoke against any potential changes. Those residing within the neighborhood voiced their concerns and identified increased traffic, lack of demonstrated need, and environmental impact, as reasons they are opposed to the changes. In addition, they felt discussions on the changes were unwarranted and lacked a community benefit, more specifically, the waterfront community.

Following a brief discussion on the report, the planning commission agreed to perform a walking survey to allow further community input prior to moving forward. The results were very informative and public sentiment seemed to support those opposed to the changes. We will discuss that further along in this report.

### WALKING SURVEY

With the availability of technology, walking surveys are no longer common in the planning world, yet their effectiveness remains high, even during a pandemic. The survey would have a dual purpose of informing residents of the planning commission efforts and allowing residents the ability to voice their concerns or support in changing the dimensional standards. Planning Commissioners were able to secure 22 responses of the 43 properties, which means 51% of those living within the waterfront district responded to the survey. The results of the survey were as follows:

#### MINIMUM LOT WIDTH (100 ft) -

- 19 of 21 respondents felt the minimum lot width of 100' was "just fine"
- 2 of 21 respondents felt it was "too high" –

OBSERVATIONS -The two respondents who felt the minimum lot width of 100 ft was too high met the minimum 100 ft requirement.

### MINIMUM LOT AREA – 20,000 sf. -

- 16 of 21 respondents felt the minimum lot area of 20,000 sf was “just fine”
- 4 of 21 respondents felt it was “too high”
- 1 of 21 felt it was “too low”

### OBSERVATIONS –

- Only 1 of the 3 respondents who felt the **Minimum Lot Width** was “too high” felt the **Minimum Lot Area** of 20,000 sf was “too low”.
- Only 1 of the 3 respondents who felt the **Minimum Lot Width** was “too high” felt the **Minimum Lot Area** of 20,000 sf was “too high”.

### MINIMUM 15' SIDE YARD SETBACK

- 18 of 21 respondents felt the 15-foot side yard setback was “just fine”
- 2 of 21 respondents felt it was “too high”
- 1 of 21 felt it was “too low / just fine”

### OBSERVATIONS –

- Only 2 of the 3 respondents who felt the Minimum 15-foot side yard setback was “too high” felt all other standards were “just fine”
- One respondent answered by marking both too low & just fine. This respondent felt all other standards were “just fine”

### MINIMUM 50' WATERFRONT SETBACK

- 17 of 21 respondents felt the 50-foot waterfront setback was “just fine”
- 3 of 21 respondents felt it was “too high”
- 1 of 21 did not respond but felt all other standards were “just fine”

### OBSERVATIONS –

- Two respondents who felt the Minimum 50-foot waterfront setback was “too high” also felt the minimum lot area of 20,000 sf was “too high”

### Conclusion

Regardless of the outcome of this survey, these results should not in and of themselves determine if an amendment is justifiable, but rather be considered as one part of a broader evaluation. In this case, there appears to be a definitive neighborhood desire to leave the dimensional standards as they are today. It is common for these types of surveys to be challenged, which in this case is *irrelevant* considering this is a Village initiative to determine if a change is warranted.

### **MASTER PLAN CONSISTENCY**

A change in the dimensional standards or any significant change that could affect the district in its entirety should be consistent with the intent and purpose of the adopted Master Plan. This guide or blueprint for the future, was created by the planning commission following significant public input and should be highly regarded. The Master Plan discusses the desires of the community, which appear to be mostly focused on maintaining the factors that make the Village unique. Discussions on increasing waterfront density or lowering dimensional standards along the lakefront portion of the district are largely absent. Therefore, a lack of public policy to support changing the minimum dimensional standards in their entirety, would not

be supported at this time. Please note, the Village will embark on the creation of a new Master Plan in 2021/2022 in which this issue could be discussed further, if desired.

### **ZONING ORDINANCE**

District dimensional changes would have been contemplated during the creation of the “new” zoning ordinance, which was adopted in 2018. As indicated in Table 1 of this report, the district minimums have been rather consistent since 2006. This is an indication that the Village found the dimensional standards to be adequate and therefore, simply carried the standards over without change. Amending the ordinance to allow an increased density or lower dimensional standards along the lakefront at this time, may be viewed as an attempt to circumvent the process and should be avoided. The type of change considered should be supported by the Master Plan or at a minimum discussed at that level.

The Village incorporates a *minimum lot depth* within the 2006 zoning ordinance and re-incorporated into the 2018 zoning ordinance. This standard further complicates lot area sizes and is not a typical standard in zoning ordinances. The inclusion of this standard shows a lack of zoning knowledge when drafting the 2006 ordinance and should have been eliminated in the current 2018 Ordinance. The State of Michigan regulates parcels at the time of their creation and requires any new parcel to comply with a 4:1 depth to width ratio, therefore, it is an unnecessary standard that should be eliminated throughout the Ordinance. The elimination of this overly burdensome standard is recommended.

### **FINAL REPORT CONCLUSION AND RECOMMENDATION:**

The historic changes (in dimensional standards) clearly indicate there was a desire to create uniformity on lakefront lots, create space, and likely allow for updated septic systems and modern wells. One would also argue that the larger parcels would benefit and further protect the lake, which is typically the driving force behind lakefront property studies, and what makes this study unique. The Village has the infrastructure in place (water/sewer) to allow an increase in density along our lakeshore, however, the location, demonstrated need and/or desire to do so does not appear to be supported by any adopted policy as of this time. In addition, higher density residential is already permitted along our lakeshore and a sense of balance appears to already have been achieved.

As previously stated, most properties along the lakeshore are older and smaller than the current district standards. One would argue that a change to the district minimum is therefore warranted, however, that is not the case. An argument against a standard that was amended into the ordinance in 2006 and re-adopted into the ordinance in 2018 is without justification. The Village should always consider whether conditions in or around a district have changed to justify lowering a districts minimum lot size, area and/or setbacks, however, conditions to warrant such a change are largely absent. In addition, and as stated above, significant adjustments to the district dimensional standards were not recommended by the Planning Commission or Village Council when the current zoning district was evaluated and adopted in 2018. Additionally, when the subject came to the attention of the property owners in that district, they spoke against any changes that would increase density in their neighborhood. Although not surprising, it further solidifies the need for community input and for the Master Plan to support a change of this magnitude.

There are instances that can exist in which changes, upon proof of a real public need, substantially changed conditions in the neighborhood, or to effectuate important goals, objectives, policies, and strategies of the Master Plan are realized. The changes contemplated within this report do not fit within the spectrum of scenarios mentioned, therefore, it would not appear appropriate for the Planning Commission to consider changing the zoning ordinance at this time.



The following motion is offered for consideration:

THAT the Planning Commission, after evaluating the zoning ordinance as it relates to the minimum lot size, minimum lot width, and or related setbacks in the Single Family Waterfront District, has determined that no action to amend the zoning ordinance will be taken at this time, and for reasons described in VSB Report 2020- 52 and being made a part of this motion.

ATTACHMENTS

- Survey spreadsheet
- Compiled survey comments

## **WATERFRONT SURVEY COMMENTS**

Why was OHWM used by the Village when state setback requires 50' from HHWM? Issues with past officials but appreciates the current officials.

Lot width: 75' is fine. Use ZBA for variances if change is desired.

What is the difference between OHWM & HHWM? No website for parks proposals. No happy with past officials. (WD)

When considering granting approval for building on a lot, or changes to existing lots, please consider the neighbors. Can small lots accommodate the large equipment needed for the building project without encroaching on the neighbors. If a variance is requested, the neighbors should be informed before and after. So many big, big houses on small lots; it's a negative.

Side setbacks: 30' is lots. Waterfront setbacks: All the seawalls are going to erode others.

What is ordinary high-water mark? If a homeowner has a special need, they should seek out a variance and not a wholesale change.

Lot widths should not be less than 70 feet.

Waterfront setback: If appropriately protected by steel or rip rap, otherwise leave it alone. Consider variances case by case.

Rather than make changes to all of the existing rules, which changes would not improve the level of compliance for grandfathered structures in a significant way, we believe it is better to consider variances on a case by case basis. Waivers should only be granted when the new structures would be ...(can't read). ... (can't read) approve structures but no increased density versus status quo.

I realize we have a mix of residents on the street with varying interests and there are some that would like to sell their home or property and that modifying the current requirements may be more appealing to future buyers. One challenge in this district is that we have quite a few homes that were built at a time when spatial requirements were either not in place or not enforced. There are certain requirements such as the lake setback where most houses are in violation of the current requirement but do little harm to the property value of others while there are others like side setback requirements that have been enforced in recent years but a number of the older homes are currently only a couple feet off the property lines.

For newer homes, we built our properties realizing our neighbors were close to the property line but I am concerned that some would now like to add a second story or extend the length of these homes when they already exceed the setback requirements - in several cases, this is being driven by residents who intend to sell their properties. The current setback requirements allow motorists, pedestrians, and residents across the street from the water to view the lake and I feel the requirements are reasonable. This is a popular street for people to walkers and bike riders during the warmer months and I feel this adds to the charm of Suttons Bay. Personally, I am against relaxing these requirements and if we allow properties to be divided and/or allow side setbacks or height restrictions to be relaxed, we risk having homes packed together along this street and hurting the overall appeal of the area. If there is any survey or input, I am happy to respond via email or can call in.

Don't allow building within 33' of right of way midpoint.

You should be able to have smaller lots to fit more homes across the road from the shoreline, keeping the 100' wide minimum requirement.

In view of encroaching water, 50' from the old ordinary high water mark (historic) is ok.

## Comments:

Clearly many properties have been built outside of the current standards, however, the appeal of this neighborhood is the view of the lake, I am concerned about relaxing standards that would encourage high density or low quality homes to be built in order to attract buyers intending to further the number of rentals in this area. Allowing owners to build houses on small lots in violation of setback requirements will encourage this and hurt the appeal of the district.

Many homes already violate the 15' side setback requirement. I feel this needs to be stopped or the houses will be packed a few feet from each other and is not fair to those who complied in the past. Likewise, any lot less than 100' will not be able to comply with the side setback. I do feel that many (nearly all) violate the OTHWM setback and this can be relaxed if mitigations are taken (sea wall, rip-rap etc.)

(cont.)

The 20,000 sq ft. minimum could be discussed as many homes do not comply, however, the 100' lot width and 15' side setbacks should be maintained to prevent owners from building houses that occupy space too close to the sides or the road.

I feel we have to be cautious on relaxing standards, that will encourage this district to be primarily summer rentals. Some renters are fine but temporary visitors, have also gotten carried away and used other people's properties (docks, beaches, etc.) and it is common for multiple families or couples to rent at a time and cause excessive noise (late parties, fireworks, etc.). Current standards should be maintained. I realize several owners would like to develop their properties and sell out but may not have a long-term commitment to the area.

Thank you,  
Jim Benerle

Hello Rob,

This note is to express my strong opposition to the idea of reducing the minimum building lot size on South Shore Drive. I have discussed the issue with neighbors who also agree this change should not happen. Here are my main points:

1. South Shore Drive is already a very densely built strip of waterfront.... will the village as a whole benefit from more building density? I see no benefit for the community nor the shoreline.
2. The only reason for this change appears to be the benefit to a few property owners. These property owners purchased or acquired their properties knowing the long-standing building limitation and paid less for their properties (and lower taxes) bc of it. Their current situation is hardly unfair nor a surprise.
3. The 100 ft. limitation is a well established zoning rule used successfully in other areas. I know Glen Lake has this same rule for example. Why do we think we should change these well proven rules just bc a few residents have a chance to make some quick money?
4. Does it set a terrible precedent? You mentioned the proposal is focused on South Shore Drive but what would stop other waterfront lots from pushing for the same treatment?.... even splitting a larger lot to create a new 50ft buildable lot. This initiative creates a host of potential issues down the road.

I will be engaging my neighbors on South Shore Drive to strongly oppose this initiative. This is not about making a better village... this proposal is about making money for a very small group of people.

Please forward this letter to all members of the Planning Commission and, if appropriate, the Village Council.

Thank you.

Rick Andrews

345 and 361 South Shore Drive  
717 602 9291

My name is Jim Houk and I am co-trustee and heir to the property located at 333 South Shore Dr. in Suttons Bay Michigan. My 92 year old father presently lives in the property during the summer and my family and I spend a considerable amount of time there. I am also a licensed Landscape Architect and Certified Planner in the states of Michigan and Ohio and have been practicing for over 40 years.

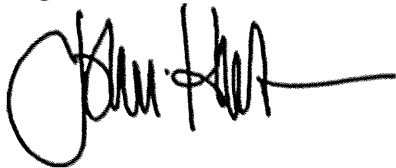
I am writing you as I was very disturbed to hear that the Village Council and Planning Commission are considering a zoning change to reduce the minimum lot size along South Shore drive from the existing 100' min. lot width. I understand that the motivation for this is due to the number of non-conforming properties that already exist on the street.

As a Landscape Architect and Certified Planner this greatly concerns me. I have noticed thru my 30 plus years in our property that the size of the homes along the street continue to get larger and larger. When we expanded our home a number of years ago we took great care to preserve as many of the existing trees on the property as possible. I am afraid that decreasing the min. lot size will result in overbuilding of the properties and removal of a number of the existing larger trees in the corridor. This may have a dramatic negative impact on character and environmental quality of the street and shoreline. Being adjacent to Leo Creek we have already seen dramatic changes in the creek and its water quality over the years as a result of the increased development in the region.

I am sure as a Certified Planner you understand the negative environmental impacts we are seeing along our Great Lakes shorelines some of which are a result of over building our waterfronts and the loss of critical vegetation that protects those waterfronts.

Our family choose to invest in Suttons Bay many years ago because it was one of the most beautiful places we had ever seen. Our family intends to spend many more years on the property and in Suttons Bay. I implore you and the Village Council to do the right thing and protect the quality of our great Village, shoreline and South Shore Drive.

Regards,

A handwritten signature in black ink, appearing to read 'Jim Beuerle', with a long horizontal line extending to the right.

Dear Mr. Larrea,

I am Jim Beuerle, owner of the home on 209 S Shore Dr. I am working overseas for a couple more years before retiring to Suttons Bay and the COVID situation has restricted the ability of my wife and I to travel this year.

I have been attempting to stay up to speed on the waterfront discussions from the Village website and noticed there would be an attempt to survey some of the residents and was hoping to have input though I am currently not in Suttons Bay (I noted the following comment from the Sept 9 meeting):

*Report VSB-2020-42 Waterfront District Discussion/Input In addition to this report, Larrea stated he has reviewed past discussions as well as the Zoning Ordinance, specifically table 4-3 and provided synopsis of sections of the Zoning Ordinance. Following discussions, it was the consensus of Commissioners to perform a door to door survey in the SFWR within the next week. Larrea will assist with developing neutral questions and encouraged Commissioners to look at the district as a whole. A Zoom meeting will be set up with those Commissioners who were able to perform the door to door survey.*

I realize we have a mix of residents on the street with varying interests and there are some that would like to sell their home or property and that modifying the current requirements may be more appealing to future buyers. One challenge in this district is that we have quite

a few homes that were built at a time when spatial requirements were either not in place or not enforced. There are certain requirements such as the lake setback where most houses are in violation of the current requirement but do little harm to the property value of others while there are others like side setback requirements that have been enforced in recent years but a number of the older homes are currently only a couple feet off the property lines.

For newer homes, we built our properties realizing our neighbors were close to the property line but I am concerned that some would now like to add a second story or extend the length of these homes when they already exceed the setback requirements - in several cases, this is being driven by residents who intend to sell their properties. The current setback requirements allow motorists, pedestrians, and residents across the street from the water to view the lake and I feel the requirements are reasonable. This is a popular street for people to walkers and bike riders during the warmer months and I feel this adds to the charm of Suttons Bay. Personally, I am against relaxing these requirements and if we allow properties to be divided and/or allow side setbacks or height restrictions to be relaxed, we risk having homes packed together along this street and hurting the overall appeal of the area. If there is any survey or input, I am happy to respond via email or can call in.

Best Regards,  
Jim Beuerle

**From:** Jim Houk <[jim.houk@ohm-advisors.com](mailto:jim.houk@ohm-advisors.com)>

**Sent:** Tuesday, September 22, 2020 3:52 PM

**To:** [manager@suttonsbayvillage.org](mailto:manager@suttonsbayvillage.org)

**Subject:** RE: Proposed SFWF code change in min. lot size for South Shore Drive, Suttons Bay

333 S. Shore

Mr. Larrea,

Thank you for your return e-mail and for forwarding my previous e-mail on to the Planning Commission.

Planning efforts of this type are always controversial and it is not my current intention to stop this effort, only to have a full understanding of the rationale and intent behind the proposed zoning changes. Most of my neighbors on South Shore Drive are not fully knowledgeable of the zoning and planning process and therefore are very concerned about potential negative impacts to their properties and investments. They have a right to be concerned and want to fully understand why this zoning change is being proposed, why is this good for the Village and what, if any, impact it will have on the potential values of their properties and their quality of life.

In my professional practice of the last 30+ years, I have lead multiple rezoning efforts, written many special zoning districts and have been the lead planner/ principal in charge for numerous large master planned communities throughout the country. Given this experience, I have offered to assist my neighbors to fully review and understand the proposed SFWF district changes and give my professional opinion as to the benefits to the Village, and neighborhood property owners, both positive and negative. Once all my neighbors have a full understanding of the proposed zoning changes, they can make up their own mind whether to support this or not.



I am in receipt of a memo written September 4, 2019 to the Suttons Bay Planning Commission from Bahle Properties Inc. explaining their desire to develop the properties they own in the district and why they need a proposed zoning change to facilitate this development. Again, it is not my intent to stop the development of their properties! I spent a lot of my professional career assisting owners like them to develop their properties. Based on my review of this memo, I find it very difficult for me to fully understand what they are proposing without seeing a plan. It would be very helpful to me and my neighbors to see a proposed site plan indicating: which lots are being planned for development, size of the proposed lot splits, setbacks, major trees to be removed, etc.

As I previously mentioned, I am also very concerned on the impact to Leo Creek as it abuts our property. So if any development is proposed near the creek, I would like to see a sizeable buffer or protection zone maintaining existing vegetation and a study related to the potential impacts on Leo Creek.

The correspondence I have also references the desire to change the SFWF district to reduce the lot requirements to better conform with nonconforming uses. I find this very unusual as I am sure that these "non-conforming" lots were originally in conformance to the zoning at the time they were developed. At some point the Village or Neighborhood was concerned enough about the development pattern to change the zoning and upsize the lot requirements. What has changed that now leads the Village to feel differently? I believe our neighborhood deserves an answer to that question.

Please copy me on any future correspondence related to this study or rezoning. I will be in Suttons Bay between October 11-14<sup>th</sup>. At that time we will be closing our cottage for the winter and taking my father to Florida. I would be happy to meet with you while I am in Suttons Bay if you desire or you can call me anytime on my cell at 614-203-7711.

As I previously stated, I know these efforts are always difficult and often controversial and my goal here is to help my neighbors fully understand the proposal and its impact on our Neighborhood.

Best Regards,

Jim

Mr. Larrea,

My name is Jim Houk and I am co-trustee and heir to the property located at 333 South Shore Dr. in Suttons Bay Michigan. My 92 year old father presently lives in the property during the summer and my family and I spend a considerable amount of time there. I am also a licensed Landscape Architect and Certified Planner in the states of Michigan and Ohio and have been practicing for over 40 years.

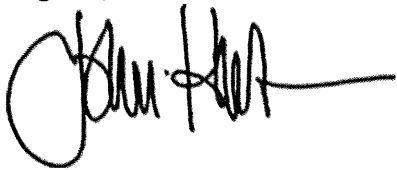
I am writing you as I was very disturbed to hear that the Village Council and Planning Commission are considering a zoning change to reduce the minimum lot size along South Shore drive from the existing 100' min. lot width. I understanding that the motivation for this is due to the number of non-conforming properties that already exist on the street.

As a Landscape Architect and Certified Planner this greatly concerns me. I have noticed thru my 30 plus years in our property that the size of the homes along the street continue to get larger and larger. When we expanded our home a number of years ago we took great care to preserve as many of the existing trees on the property as possible. I am afraid that decreasing the min. lot size will result in overbuilding of the properties and removal of a number of the existing larger trees in the corridor. This may have a dramatic negative impact on character and environmental quality of the street and shoreline. Being adjacent to Leo Creek we have already seen dramatic changes in the creek and its water quality over the years as a result of the increased development in the region.

I am sure as a Certified Planner you understand the negative environmental impacts we are seeing along our Great Lakes shorelines some of which are a result of over building our waterfronts and the loss of critical vegetation that protects those waterfronts.

Our family choose to invest in Suttons Bay many years ago because it was one of the most beautiful places we had ever seen. Our family intends to spend many more years on the property and in Suttons Bay. I implore you and the Village Council to do the right thing and protect the quality of our great Village, shoreline and South Shore Drive.

Regards,

A handwritten signature in black ink, appearing to read "Dan Hill", with a long horizontal line extending to the right.

FENCE & SCREENING FORM REQUIREMENTS- DISCUSSION DRAFT.

The following examples indicate appropriate fence types within the NG and CB Village Districts:



The following examples indicate appropriate fence types within all Residential Districts & PUD:



The following examples indicate appropriate fence types within the PL / SG Districts:



The following examples indicate appropriate fence types within the WI Districts:



## FENCE & SCREENING FORM REQUIREMENTS- DISCUSSION DRAFT.

Alley or secondary roadway screening of appurtenance permitted within the **COMMERCIAL** Village Districts:



The ZA should have some discretion as to form or what constitutes screening vs fencing etc. In fact, it's imperative that they do.

### Height – Things to consider

- Fences in ALL downtown districts (NG/CB) should be considered to have a height restriction of 4 feet if visible from M-22.
- Fences in non-downtown districts should not exceed 6 feet. Fact- Any fence 7 ft or higher requires a building permit.
- Height standards should be considered in waterfront districts, such as a 4 or 5 ft height max in the side yard.

### Placement- Things to consider


- Fences should be subject to waterfront setback requirements.
- Fences are not considered a structure and should be permitted on the property line.
- All fencing and/or screening should always require the “finished side” to face outward towards adjacent properties, roadways or alleys.

### Screening- Things to consider

- Businesses with alley or secondary roadways should be permitted to screen appurtenances, dumpsters or storage areas from the alley.
- Screening is intended to allow businesses the ability to provide a “cleaner look” the back of their property.
- These requirements should not be interpreted as to supersede the district requirements but to provide a sight barrier option to the district requirements.

### Gates

- Wrought iron gates or \_\_\_\_\_ should be considered as the only gate(s) permitted from a secondary road or alley.

		<b>VILLAGE OF SUTTONS BAY</b>	
		<b>REPORT VSB -2020- 50</b>	
Prepared:	November 1, 2020	Pages:	1 of 1
Meeting:	November 12, 2020	Attachments:	<input type="checkbox"/>
Subject:	Planning Commission Budget 2021		

2020 Budget

Attached you will find the proposed 2021 budget for your review. For the most part, the changes only reflect additional time associated with contractual services or Staff time.

This year, the focus for the planning commission will be the continued work on the parks and recreation plan and minor zoning ordinance amendments. Next year, (2022) you will notice a large difference in the budget as we will be embarking on our Master Plan re-write. We will be bringing in a qualified and efficient planner that I have worked with extensively in the past. We are confident that together we will be able to provide a more efficient process and better product than what is currently in place. In addition, we are hoping that COVID-19 will have subsided and we can bring back a more efficient public participation process.

MOTION FOR CONSIDERATION:

MOTION THAT the 2021 Planning Commission budget be approved and recommended for adoption by the Village Council.

	2017	2018	2019	2020	2020	2021
	Actual	Budget	Actual	Adopted	Requested	Proposed
<b>Planning &amp; Zoning</b>						
Administrative Wages	12,445	12,750	14,317	19,700	15,000	15,750
Wages	0	0	1,881	0	4,775	5,013
Wages - Planning Commission	2,920	4,804	2,520	4,825	4,825	4,825
Wages - Zoning Board of Appeals	320	840	600	850	850	850
FICA Contribution	952	976	1,221	1,600	1,512	1,600
Medical Insurance	2,316	2,377	968	1,200	1,100	1,200
Workers Compensation Insurance	103	106	65	125	125	125
Retirement Contribution	596	638	1,423	1,375	2,150	2,076
Life, AD&D Insurance	165	78	162	150	150	225
Unemployment Insurance	2	430	5	125	100	125
Office Supplies	477	1,000	1,025	700	600	700
Postage	200	200	0	200	200	200
Professional Planning Services	2,000	3,000	0	500	500	500
Zoning Ordinance - Planning	10,344	5,000	0	500	500	500
Legal Fees	1,511	4,000	0	4,000	2,000	4,000
Contractual Services	6,250	6,920	6,390	11,500	6,000	11,500
Printing & Publishing	934	4,000	684	1,500	1,200	1,500
Education, Training & Dues	35	1,500	1,650	2,250	2,250	2,250
<b>Total Planning &amp; Zoning</b>	<b>29,125</b>	<b>35,869</b>	<b>32,911</b>	<b>51,100</b>	<b>43,837</b>	<b>52,939</b>

PC per diem, pd annually in Dec  
ZBA per diem, pd annually in Dec

addtl' for pr yr pymnt

za increase in hours  
legal notices, mtg pubs