



VILLAGE OF SUTTONS BAY

Via Remote Access

Village Planning Commission

420 Front Street, Suttons Bay

June 8, 2022 at 5:00 pm

Agenda

There will also be a Zoom link (which can be found on our website at www.suttonsbayvillage.org for remote attendance for those members of the public wishing to participate.

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 -May 11, 2022
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. Public Hearing- Zoning Ordinance Conditional Rezone Request-301 South Shore
 - B. Final Survey Review (if received)
8. New Business
9. Public comment
10. Reports
 - a. Zoning Administration Report
 - b. ZBA Report
 - c. Village Council Updates
11. Good of the order
12. Announcements: The next Regular meeting date is July 13, 2022
13. Adjournment



VILLAGE OF SUTTONS BAY
PLANNING COMMISSION MEETING
MINUTES OF MAY 11, 2022

The meeting was called to order at 5:01 p.m. by Chairperson Hetler.

Present: Feringa, Hetler, Ostrowski, Pontius, Smith and Suppes
Absent: Hylwa
Staff present: Fay and Kopriva

Approval of Agenda

Feringa moved, Ostrowski seconded, CARRIED, to approve the Planning Commission agenda as presented. Ayes: 6, No: 0.

Approval of minutes

Suppes moved, Ostrowski seconded, CARRIED, to approve the April 13, 2022, Planning Commission meeting minutes as presented. Ayes: 6, No: 0.

Public Hearing – Accessory Dwelling Units

The public hearing opened at 5:06 p.m. by Chairperson Hetler. Having heard public comments, the public hearing closed at 5:15 p.m.

Following discussion by Commissioners, Ostrowski moved, Suppes seconded, CARRIED, to recommend approval to Village Council of the proposed Zoning Ordinance amendment to Section 9-2 Accessory Dwelling Units to read as follows: Ayes: 5, No: 1.

- A. Size. Accessory dwelling units shall not exceed 800 square feet.
- B. Setbacks, Accessory dwelling units are subject to the setback and height requirements for principal buildings with the applicable zoning district.
- C. (Current language removed)

Pontius moved, Ostrowski seconded, CARRIED, to recommend the Village Council to consider additional language or an amendment for an owner/property manager of short- and long-term rentals to respond within a 30-minutes. Ayes: 5, No: 1.

Smith moved, Ostrowski seconded, CARRIED, to recommend to the Village Council to amend the Short-Term Rental Ordinance to not allow a short-term rental in an ADU with a non-owner-occupied property. Ayes: 6, No: 0.

Public Hearing – Harbor Heights

An application was received from Northporte Development, LLC, for a planned unit development amendment relating to property number 043-821-005-15, located at the north end of N. Duester Park Lane in the Village of Suttons Bay. The application is for the purpose of a major amendment to the North Bluff Addition (Harbor Heights) of the Harbor Club Planned Unit Development (PUD) pursuant to the requirements of Section 8 of the Village of Suttons Bay Zoning Ordinance.

Jeff Cockfield, Engineer for the project, gave a short presentation. The public hearing opened at 5:40 p.m., by Chairperson Hetler. Having heard public comments and responses from the Engineer for the project, the public hearing closed at 6:02 p.m.

Following discussions and review of the Finding of Facts, it was the consensus of Commissioners that the applicant has complied with the following Findings of Facts:

A. The proposed PUD complies with the Intent and all Qualifying Conditions of Sections 8-1 and 8-2 of this Article, respectively.

B. The uses conducted within the proposed PUD, the PUD's impact on the community, and other aspects of the PUD are consistent with the master plan.

C. The proposed PUD shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property, the surrounding uses of land, the natural environment, and the capacity of public services and facilities affected by the development.

D. The PUD shall not negatively affect the character of the surrounding area.

E. The PUD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, or glare.

F. The PUD shall not place demands on public services and facilities in excess of current or anticipated future capacity.

Pontius moved, Suppes seconded, CARRIED, to recommend approval to Village Council on the PUD major amendment for Harbor Heights, 750 Waypoint Circle Drive, Parcel Number 28-043-821-005-15 as it meets the standards for approval in the Zoning Ordinance. Ayes: 6, No: 0.

Ostrowski moved, Suppes seconded, CARRIED, to recommend to Village Council that they confirm the ownership and maintenance of the N. Duester Park Lane, as part of the PUD approval. Ayes: 6. No: 0.

Conditional Rezoning Request – Introduction and Preliminary Review

Kopriva, Planner, stated the applicant has requested to rezone a portion of their property from SFWR to NVR with the conditions that only detached single family dwellings would be constructed with a maximum floor area of 2,400 sq ft, and with a waterfront setback equal to where the neighboring dwellings are located. The NVR district does not have a waterfront

setback requirement since this district is currently on the water. Timothy Figura, Attorney for the applicants, provided additional information. Following discussion and clarification from Figura regarding the application, Feringa moved, Smith seconded, CARRIED, to schedule a public hearing for June 8th, 2022, at 5:00 p.m., for the purpose of approving the Application for a Zoning Map Amendment received by Bahles, to change the Single-Family Waterfront Residential and New Village Residential Zoning to Conditional Rezoning from Single Family Waterfront Residential to New Village Residential. Ayes: 6, No: 0.

Public Comment

William Crackel commented on Short-Term rentals. Rick Andrews commented on the Conditional Rezoning Request.

Reports

Village Council Updates – Suppes encouraged Commissioners to view Village Council updates and action on the Village website.

Good of the Order

Ostrowski stated that there is no striping around the proposed three way stop sign. He further stated his displeasure with how staff did not work with the Northporte Development and the expiration of the project.

Pontius requested to be placed on the next Planning Commission agenda for a Master Planner Citizen presentation.

Hetler thanked the Clerk for keeping everyone on track.

Suppes stated the Village does pay for training and that training is always very good.

Announcements

The next meeting date is June 1, 2022, Special meeting Master Plan kick-off at 6:00 p.m., and June 8, 2022, Planning Commission regular meeting.

The meeting adjourned at 7:02 p.m.

Meeting minutes submitted by Shar Fay, Clerk.

STATE OF MICHIGAN
COUNTY OF LEELANAU

VILLAGE OF SUTTONS BAY

PROPOSED CONDITIONAL REZONING

The Village of Suttons Bay Planning Commission will hold a public hearing at the Village office meeting room located at 420 Front Street, Suttons Bay at their Commission Meeting scheduled for Wednesday, June 8, 2022 at 5:00 P.M. regarding the following request for a conditional rezoning

Parcel 45-043-828-031-00 – 301 S Shore Drive, Suttons Bay

An application has been filed by Lois Bahle, Rich Bahle, Karl Bahle, & Chris Bahle for a conditional rezoning of property located at 301 S Shore Drive. The applicant is requesting that the parcel be conditionally rezoned from Single Family Waterfront District to Newer Village Residential and subject to the following voluntary conditions:

1. Limitation on the building footprint on resulting waterfront parcels to no more than 2400 square feet, which is less than the 30% coverage limitation in the NVR District.
2. Limitation on distance from the waterfront to no greater than adjacent developments or an average of the 2 adjacent developed setbacks. Recent remodeling at the nearby parcel 223 S. Shore Dr. may have resulted in a structure closer to the waterfront and will not be used in this calculation.
3. Front road set back of 15 feet per the NVR standards.
4. Side set back of 15 feet per the NVR standards.
5. The conditional rezoning would be abandoned if a land division is not completed within 7 (seven) years.
6. If the land division is completed, the resulting parcels would include deed restrictions establishing the above conditions.

Information regarding the request may be examined by contacting the Office of Planning & Zoning at the Village of Suttons Bay, during regular business hours of 8:00 a.m. – 4:00 p.m., Monday through Thursday, and 8:00 a.m. – Noon on Friday, at 231-271-3051. Comments or questions

may be sent by email to suttonsbay@suttonsbayvillage.org; or to Village of Suttons Bay, PO BOX 395, Suttons Bay, Michigan 49682.

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



To: Suttons Bay Planning Commission

From: Sara Kopriva, AICP, Village Planner

Date: June 2, 2022

RE: PUBLIC HEARING- Conditional Rezoning of 45-043-828-031-00

Recommended Motion: Motion to continue the public hearing on 45-043-828-031-00, 301 S. Shore Dr, Suttons Bay to July 13, 2022 at 5 PM

This application was introduced at the May Planning Commission meeting and scheduled for a public hearing for the June Planning Commission meeting. I will not be able to attend the June Planning Commission meeting, if you have any questions prior to the meeting, please let me know.

As previously mentioned, the applicant has applied for a conditional rezoning request. A conditional rezoning allows for the applicant to propose conditions as a requirement of this rezoning request. Below are the conditions that the applicant has volunteered in their application for the rezoning.

Proposal

We are asking that the portions of the Property currently zoned as SFWR be conditionally rezoned to NVR. In order to protect the best interests of the public and community, this rezoning would be subject to the following voluntarily offered conditions:

1. Limitation on the building footprint on resulting waterfront parcels to no more than 2400 square feet, which is less than the 30% coverage limitation in the NVR District.
2. Limitation on distance from the waterfront to no greater than adjacent developments or an average of the 2 adjacent developed setbacks. Recent remodeling at the nearby parcel 223 S. Shore Dr. may have resulted in a structure closer to the waterfront and will not be used in this calculation.
3. Front road set back of 15 feet per the NVR standards.
4. Side set back of 15 feet per the NVR standards.
5. The conditional rezoning would be abandoned if a land division is not completed within 7 (seven) years.
6. If the land division is completed, the resulting parcels would include deed restrictions establishing the above conditions.

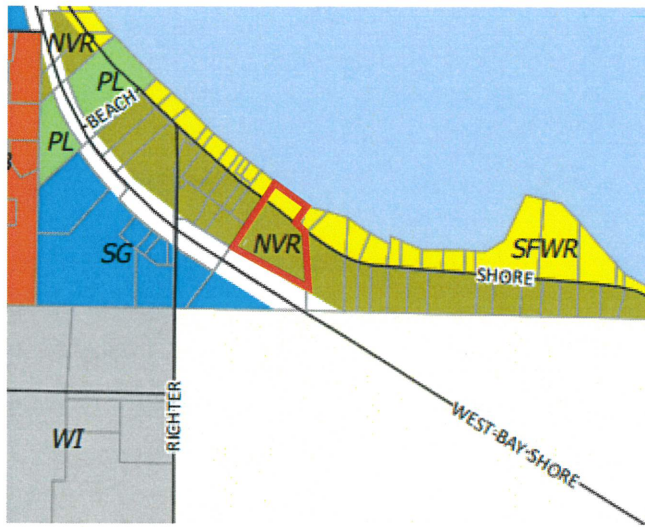
As the application mentions, this would allow for them to split the property and construct 2 dwellings (1 on each parcel) on the property. To split the property, the applicant would be required to file the

Due to the lack of this information, I would recommend that the Planning Commission postpone making a decision on this application until the information is received.

Parcel Number 28-043-828-031-00



Current Zoning (Parcel outlined in Red)



SFWR= Single-Family Waterfront Residential
NVR=Newer Village Residential
SG= South Gateway

Uses Allowed

Table 4-2 Schedule of Uses: Residential Districts						
Use	CR	NVR	SFWR	HR	WC	Specific Conditions
ACCESSORY USES						
Accessory dwelling	P	P	P	P		Section 9-2
Accessory building	P	P	P	P	P	Section 2-3
Home occupation	P	P	P	P		Section 9-6
Primary caregiver facility	P	P	P	P	P	Section 9-10
ACCOMMODATIONS, HOSPITALITY, ENTERTAINMENT						
Bed and breakfast	P	P	P	P		Section 9-4
INFRASTRUCTURE, TRANSPORTATION, COMMUNICATIONS						
Essential service	P	P	P	P	P	Section 2-7
INSTITUTIONAL/CIVIC						
Parks, playgrounds, outdoor recreation areas	P	P	P	P	P	
Place of worship	P	P				Section 9-5
School, private	P	P				Section 9-5
RESIDENTIAL						
Day care (children), family day care home	P	P	P	P	P	
Day care (children), group day care home	SLU	SLU	SLU	SLU	SLU	
Dwellings, multi-family					P	Section 9-7
Dwellings, single-family detached	P	P	P	P	P	
Dwellings, two-family		P		P		
Foster care home (adult), adult foster care family home	P	P	P	P	P	
Foster care home (adult), adult foster care small group home		SLU				
Foster care home (adult), adult foster care large group home		SLU				
Foster family home (children), foster family home	P	P	P	P	P	
Foster family home (children), foster family group home		SLU				
Home, convalescent or nursing		P				
Housing, independent and assisted living		P				
OTHER						
Similar uses	SLU/ P	SLU/ P	SLU/ P	SLU/ P	SLU/ P	Section 3-5

District Regulations

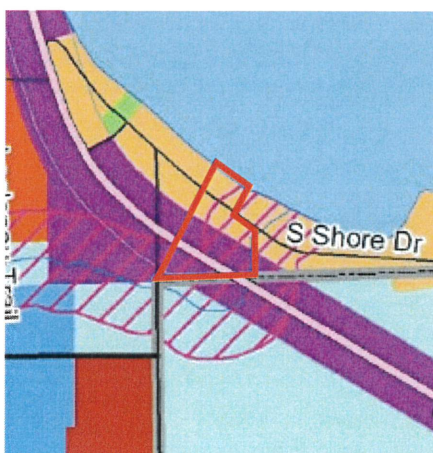
Section 4-3

Spatial Requirements

- A. *Spatial Requirements- Residential Districts.* All lots shall meet the minimum area and width requirements of Table 4-3. New lots shall not be created, except in conformance with these requirements. All structures and their placement on a lot shall conform to the minimum dimensional requirements listed in Table 4-3.

Table 4-3 Spatial Requirements- Residential Districts											
Residential Districts	Min. Depth (ft.)	Min. Width/ Frontage	Setbacks (feet)					Height of Primary (feet)	Stories	Building Coverage	Max. Impervious Coverage
			Primary Street Front	Side Street Front	Side	Rear/ Alley	Lake Michigan				
CR	100	40/40	15-25 ¹	6 ²	6	10	-	30	2.5	40%	50%
NVR	100	80/40	15	15	15	15	-	30	2.5	30%	40%
SFW R	200	100/100	25	25	15		50	30 (street) 40 (lowest grade)	2.5	Greater of 30% or 2,500 SF	Greater of 30% or 2,500 SF

Future Land Use (Outlined in Red, Approximately)



Future Land Use - Village

- Village Growth Management Area
- General Commercial
- M-22 & M-204 Heritage Corridors (overlay)
- Shoreline Residential
- Neighborhood Residential
- Conservation (overlay)
- Lake Leelanau Mixed Use
- Mixed Use Center
- Mixed Use North
- Mixed Use South
- Mixed Use Waterfront
- Rural Residential
- Working Lands
- Business Park

Shoreline Residential

The *Shoreline Residential* category includes residential developments that occur along shorelines. These developments incorporate techniques which help minimize the potential negative environmental and aesthetic impacts on the water resource. For example, shoreline *buffers* that help prevent erosion and filter storm water run-off is an encouraged design feature of new residential developments. In addition, developments that provide visual access to the water, pedestrian paths, public parks, and open space are preferred over developments that “wall off” the community from the water resource.

The following images represent the intended appearance and general feel of the *Shoreline Residential* category:



Shoreline Path



Shoreline Buffer



Shoreline Park

Conservation

The *Conservation* category includes lands that have extremely sensitive natural systems, significant public/semi-public land holdings, or managed forest preserves. Permanent alterations to the natural landscape and the development of infrastructure are discouraged in these areas.

The following images represent the intended appearance and general feel of the *Conservation* category:



Forestland



Scenic Views



Wetlands

Section 18-2 Zoning Map Amendments

- A. *Initiation.* Zoning Map amendments may be initiated by the Village Council, the Planning Commission, Village Staff, or by petition of a Village property owner. **Initiated by property owner**
- B. *Process and Notice.* Zoning Map amendments shall be processed as provided for in the Michigan Zoning Enabling Act, including notification to adjoining property owners and occupants, where applicable, and public hearings. The notices for all public hearings before the Planning Commission concerning amendments shall comply with all of the requirements set forth in Section 15-4. **Public hearing June 8, 2022**
- C. *Application and Fee.* If an amendment is requested by a property owner, the request shall be filed on a form provided for that purpose and accompanied by an application fee, as set by the Village Council. **Provided**
- D. *Criteria for Map Amendments.* The following guidelines shall be used by the Planning Commission, and may be used by the Village Council, in consideration of amendments to the Zoning Map:
 - 1. Whether or not the proposed rezoning is consistent with the goals, policies and future land use map of the master plan; or, if conditions have changed significantly since the master plan was adopted, and the map change would be consistency with recent development trends in the area.

The Planning Commission finds

- 2. Whether the proposed district and the uses allowed are compatible with the physical, geological, hydrological and other environmental features of the site. The potential uses allowed in the proposed zoning district shall also be compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values and traffic impacts.

The Planning Commission finds

- 3. Whether, if rezoned, the site is capable of accommodating the uses allowed, considering existing or planned infrastructure including streets, sanitary sewers, storm sewer, water, sidewalks, and street lighting.

The Planning Commission finds

- 4. Other factors deemed appropriate by the Planning Commission or Village Council.

The Planning Commission finds



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

APPLICATION FOR ZONING MAP AMENDMENT

This application must be typed or printed in ink and completed in full. An incomplete or improperly prepared application will not be accepted and will result in processing delays.

A. APPLICATION INFORMATION

Name of Applicant: Lois Bahle, Rich Bahle, Karl Bahle, Chris Bahle

Address: PO Box 39 210 St. Joseph St., Suttons Bay, MI 49682

Phone: 231-866-1466 E-mail: loisbahle@gmail.com

Name of Agent: Timothy J. Figura, Esq.

Address: PO Box 447 11470 S. Leelanau Hwy, Empire, MI 49630

Phone: 231-326-2072 E-mail: tfigura@figuralaw.com

Name of Owner: Lois Bahle, Rich Bahle, Karl Bahle, Chris Bahle

Address: PO Box 39 210 St. Joseph St., Suttons Bay, MI 49682

Phone: 231-866-1466 E-mail: loisbahle@gmail.com rich@bahles.net

Please specify to whom all communications should be sent: Applicant ☒ Agent ☒ Owner ☐

B. LOCATION/LEGAL DESCRIPTION OF SUBJECT LANDS

Tax Parcel ID Number: 043-828-031-00

Parcel Address: 301 S. Shore Dr. Suttons Bay, MI 49682

Legal Description: Please Attach

Are there any easements or restrictive covenants affecting the subject lands? Yes ☐ No ☒

If yes, describe the easement or covenant and its effect: _____

C. PURPOSE OF APPLICATION

Current Zoning: Single Family Waterfront Residential and NewVillage Residential

Proposed Zoning: Conditional Rezoning from Single Family Waterfront Residential to New Village Residential

Present Village of Suttons Bay Master Plan Designation: Shoreline Residential & Mixed Use South

Explain how the application for the amendment conforms to the Master Plan:

New Village Residential zoning as modified by offered conditions meets the 2011 Master Plan and is similar to Single Family Waterfront as it existed in the Village in 2011 at the time of the development of the Master Plan.

Are conditions being voluntarily offered as part of this zoning map amendment application? Yes ☒ No ☐

If yes, please attach a detailed description of the conditions being offered as part of this application.

D. PROPERTY INFORMATION

Present use of the subject lands: Residential, Vacant

Proposed use of the subject lands: Small-scale traditional cottages
Present use of adjacent properties: Small cottages
If known, the length of time the existing uses have existed on the subject lands: Current home constructed in 1954
Are there any existing buildings or structures on the subject lands? Yes ☒ No ☐
Are any existing buildings on the subject lands designated as being historically significant? Yes ☐ No ☒
If yes, identify and provide details of the historically significant building(s). 1954
If known, the date existing buildings or structures were constructed on the subject lands: _____

E. PREVIOUS USE OF THE PROPERTY

Has there been an industrial or commercial use on the subject or adjacent lands?

Yes ☐ No ☒ Unknown ☐ If yes, specify the use(s): _____

Has a gas station been located on the subject lands or adjacent lands at any time?

Yes ☐ No ☒ Unknown ☐

Has there been petroleum or other fuel stored on the subject lands or adjacent lands at any time?

Yes ☒ No ☐ Unknown ☐ *Fuel oil tank for residential heating, removed in the 1960's.

Is there any reason to believe the subject lands may have been contaminated by former uses on or adjacent to the site?

Yes ☐ No ☒ Unknown ☐

If you answered yes to any of the questions above, a previous use inventory, showing all known former uses of the subject lands, or if appropriate, the adjacent lands, is needed. Is the inventory attached? Yes ☐ No ☒ ☐

F. OTHER INFORMATION

If there is other information that you think may be useful in the review of this application, please attach it to this application or explain on a separate sheet.

G. SUPPORTING MATERIAL TO BE SUBMITTED BY APPLICANT

In order for your application to be considered complete, twelve (12) copies of a site plan(s) must be submitted drawn to scale, as part of the application, which shows:

1. The scale of the drawing and the north arrow.
2. Boundaries and dimensions of the subject lands.
3. The legal description of the subject lands.
4. Any major topographical features.
5. The approximate location of all natural and artificial features including but not limited to: Buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, pipelines, gas wells, wetlands and wooded areas that are located on the subject land and on land adjacent to it that may affect the application.
6. The name and location of any adjacent highway, street, alley, or railway.
7. The location and nature of any easements affecting the subject parcel.
8. The location, size and type of all existing buildings and structures on the subject land, indicating their setbacks from property lines.
9. Location, dimensions and numbers of off-street parking spaces, parking structures and aisles, and the location of accesses.
10. Any signs and lighting facilities and their location.
11. Current uses of land that is adjacent to the subject land.
12. Location of any existing outside storage, refuse storage and disposal.
13. Any additional information deemed by the Village to be necessary for proper review of the request.

H. PERMISSION TO ENTER SUBJECT LANDS

Permission is hereby granted to Village of Suttons Bay Staff, Planning Commissioners and Council Members to enter the premises subject to this application, for the purposes of making inspections associated with this application; during normal and reasonable working hours.

Owner Signature

Date

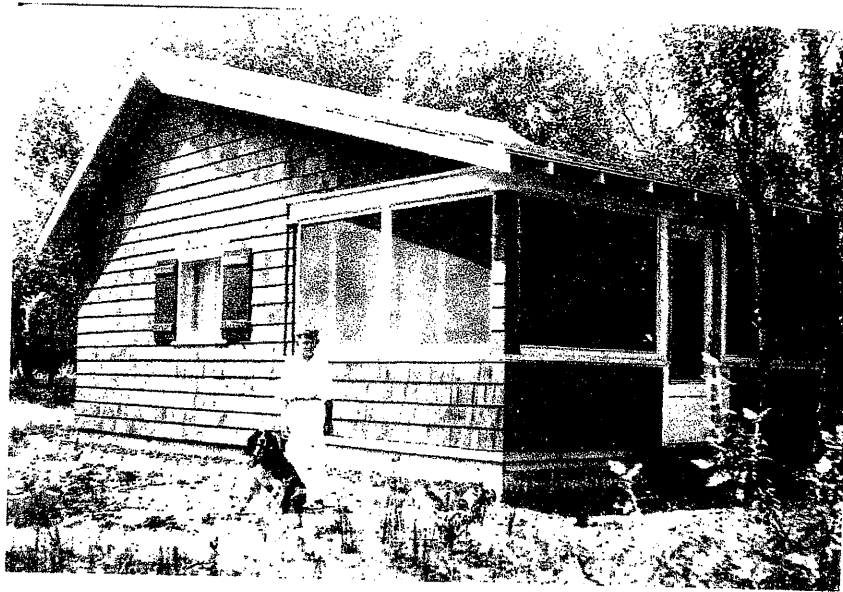
I. DECLARATION

I, _____ solemnly declare that all of the above statements and the statements contained in all of the exhibits transmitted herewith are true, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Owner Signature

Date

PREVIOUS USE INVENTORY



Original cabin on the beach where 301 South Shore Drive now sits. The cottage was pretty rustic. It had no water, just a pump on the opposite side of the cottage from the outhouse which sat in back of house no electricity just candles and lamps. It had two rooms and some cots About all that it did have was a beautiful sand beach which everyone enjoyed! Visitors used it in the summer time. They had a good time camping out. It burned to the ground one day before Owen came home from the navy. Otto & Lena built this cabin in the 1920's to provide for swimming

E. Previous Use of the Property

The use of the property has been residential as long as the applicant can determine. For historical reference, the above photo and script from Leila Bahle's memory book is provided.

We are not sure when Lars Bahle acquired the property. The property passed to Otto and Lena Bahle, and was later gifted to the applicants' parents as a wedding gift in 1947. The present house was built in 1954. The applicants' My parents lived in the home until a year before their passing. The house has since been most recently used as a rental until.

TO: Suttons Bay Village Planning Commission
FROM: Timothy J. Figura
Date: April 15, 2022
RE: Application for Conditional Rezoning re: 301 S. Shore Dr.

This is a proposal for a conditional rezoning pursuant to section 18-4 of the Village zoning ordinance and as authorized by section 405 of the Michigan Zoning Enabling Act [MCL 125.3405]. The reason for the request and the proposed conditions of such a rezoning are set forth below.

The Problem

This proposal relates to a single parcel in the Village located at 301 S. Shore Dr. The parcel is owned by Lois Bahle, Rich Bahle, Karl Bahle and Chris Bahle, and bears the tax I.D. number 043-828-031-00 (the "Property"). An aerial photo showing the Property is attached. The Property is approximately 3.5 acres in size and is bisected by S. Shore Drive. This results in a large wooded area between M22 and S Shore Drive, and an area on the northeast side of S. Shore Dr with water frontage. The Property is classified as "401 Residential Improved" for property tax purposes, with the only improvement being a family home on that waterfront portion that was built in 1954. There are no improvements on the wooded portion of the Property southwest of S. Shore Dr.

The waterfront property has approximately 208 feet of road frontage on S. Shore Dr. and is approximately 79 feet deep. The portion southwest of S. Shore Dr has 285 feet of road frontage on S. Shore Dr. and is 250 feet deep on the western side and 260 feet deep on the eastern side.

The possible use of the Property is complicated and limited due to current zoning requirements. Although the Property is one parcel, it bears two different zoning classifications; the waterfront portion is zoned Single Family Waterfront Residential (SFWR), and the wooded portion of the parcel which lies southwest of S. Shore Dr. is zoned New Village Residential (NVR).

The waterfront portion of the property, though improved with the existing family home, cannot be split from the parent parcel due to requirements of the Land Division Act and policy of the Village. First, the Land Division Act requires that a resulting lot meet the minimum size for its zoning district. Even though the waterfront portion is larger than its neighboring parcels, it does not meet the SFWR zoning district's minimum lot size of 20,000 square feet. Out of 30 nearby parcels zoned SFWR, only 6 conform with the 20,000 square foot minimum area. Our

research indicates that of these 30 parcels, only 20 may comply with the SFWR side yard setback standard.

The waterfront portion, then, cannot be separated unless land from the southwest wooded portion of the lot were included. The establishment of South Shore Drive effectively split the parcel in two and is a condition that was not the fault of the property owners. Despite this, past communications with the Village indicate that new lots would not be approved if they include land on both sides of the public right-of-way; this prevents the waterfront portion from becoming a compliant lot. The result is that the development options for the parcel have been severely hampered. Even worse, if the lot were to be sold in its current state, the real estate market would likely dictate the construction of the largest possible residence on the waterfront portion.

Our desire was to find a way that the problems encountered by the Bahles with the Property could be addressed without substantially amending the established spatial requirements of the SFWR district. After reviewing the zoning ordinance and Section 405 of the Michigan Zoning Enabling Act (MZEA) [MCL 125.3405], it appears to us that it would be desirable and fair to conditionally rezone the waterfront part of this parcel to New Village Residential (NVR). This could be accomplished by way of a conditional rezoning pursuant to Section 18-4 of the zoning ordinance and Section 405 of the MZEA. If that were done, no other text amendment of the zoning ordinance would be necessary. While there is no dimension in the NVR district for a setback from the water, we suggest a limitation on distance from the waterfront to no greater than adjacent developments or an average of the 2 adjacent developed setbacks.

Such a change would be in harmony with the 2011 Suttons Bay Community Joint Master Plan. The Master Plan indicates that the parcel's future uses to be "Shoreline Residential" and "Mixed Use South"

Conditional Rezoning

To those of you who are unfamiliar with conditional rezoning, it is a process authorized by the Michigan Zoning Enabling Act and Section 18-4 of the Suttons Bay Village Zoning Ordinance by which a property is rezoned pursuant to an agreement between the zoning jurisdiction and a property owner by which the property owner is permitted to use a lot where the use complies with the requirements of a different zoning district than the one assigned to it by the zoning ordinance. It is called conditional rezoning because the zoning jurisdiction establishes the conditions under which the lot may be used in compliance with the requirements of the rezoned district as opposed

to the current zoning district. If the property owner fails to comply with the conditions established in the agreement by the Village, the property automatically reverts to its original zoning as a matter of law.

The conditional rezoning process begins with the property owner offering to impose use and development restrictions on the property as a condition for the rezoning [Section 18-4(B) Village Zoning Ordinance]. The Bahles hereby propose to have such a rezoning conditioned on the Property being developed solely for single family detached residential purposes, and with the other conditions detailed below.

In that regard, the Bahles would propose that the waterfront portion of the property be divided into two lots of 104 feet of road frontage each, resulting in 2 lots: 1 of approximately 8216 square feet and the other of 8112 square feet. The Bahles would develop the two resulting lots in conformity with the requirements of the NVR district.

Granting a conditional rezoning of the Property to NVR would allow the Bahles to split these waterfront portions of the Property which they are unable to do under the SFWR zoning classification. It would enable the Bahles to develop these waterfront lots in the same manner as nearly all lots also zoned SFWR are already developed. It should not be considered a dramatic shift in development ability as all of the lots on the southwest side of S. Shore Drive adjacent to the Property are zoned NVR.

Why this Proposal Makes Good Planning and Zoning Sense

The Property parcel was in existence prior to the 1991 village zoning ordinance. Our research indicates that under the 1991 zoning ordinance the parcel was zoned MDR (Medium Density Residential District). Due to events outside of the property owners' control, this property cannot be split to create development lots that would match the Village's goal of responsible, reasonably sized structures. As a result, the only current development option that make sense is one that would create the largest possible waterfront structure. This proposal would allow split the parcel to create smaller development parcels in order to develop it in the way that the Village residents would prefer, and in a "cottage" scale.

As one of the conditions of the rezoning, the Bahles would agree to limit the size of any residential structures placed on each of the resulting 2 waterfront lots to no more than 2400 square feet. As an acceptable example see the historic Skinner cottage at 361 S Shore Dr (1675 sq ft) vs the new construction at 345 S Shore Dr (3750 sq ft). The resulting lots would comply to the front

and side setbacks in the NVR district. Waterfront set back would be no greater than adjacent developments or an average of the 2 adjacent developed setbacks.

Proposal

We are asking that the portions of the Property currently zoned as SFWR be conditionally rezoned to NVR. In order to protect the best interests of the public and community, this rezoning would be subject to the following voluntarily offered conditions:

1. Limitation on the building footprint on resulting waterfront parcels to no more than 2400 square feet, which is less than the 30% coverage limitation in the NVR District.
2. Limitation on distance from the waterfront to no greater than adjacent developments or an average of the 2 adjacent developed setbacks. Recent remodeling at the nearby parcel 223 S. Shore Dr. may have resulted in a structure closer to the waterfront and will not be used in this calculation.
3. Front road set back of 15 feet per the NVR standards.
4. Side set back of 15 feet per the NVR standards.
5. The conditional rezoning would be abandoned if a land division is not completed within 7 (seven) years.
6. If the land division is completed, the resulting parcels would include deed restrictions establishing the above conditions.

