



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

Wednesday January 14, 2026
Suttons Bay Village Hall
420 N. Front Street
Suttons Bay, MI 49682

AGENDA

1. Roll Call and Notation of Quorum
2. Roll Call and Notation of Quorum
3. Conflict of Interest
4. Approval of the Agenda
5. Approval of Meeting Minutes – August 13, 2025
6. Public Hearings

Public Hearings:

- 1) Request for an interpretation of Section 2-4.D.4.b of the Village of Suttons Bay Zoning Ordinance as it applies to the allowable driveway width off the alley at 324 N. St. Mary's Street, Suttons Bay, submitted by Robert and McKenzi Barnes, Property No. 45-043-778-393-00. Depending on the outcome of the zoning ordinance interpretation on the allowable driveway width, the property owners are requesting a Variance to construct an 18' wide driveway from the alley to their garage at 324 N. St. Mary's Street, Suttons Bay, MI 49682.
- 2) Request for an interpretation of the setback requirements in the Central Business District of the Village of Suttons Bay Zoning Ordinance as it applies to Dame Street and whether Dame Street should be classified as an Alley for Zoning purposes at 100 & 101 E. Dame Street, Suttons Bay, submitted by Jozwiak Consulting, on behalf of Inland Seas Education Association Property No. 45-043-767-002-20 and 043-767-002-00. Depending on the outcome of the zoning ordinance interpretation on the street classification, the property owners are requesting the following dimensional variance(s): 1) 10-foot minimum building setback along Dame Street, 2) 0-foot parking setback, and 3) Removal of the 50% building frontage requirement, 100 and 101 Dame Street, Suttons Bay, MI 49682.

7. Public Comment

8. Adjournment

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



VILLAGE OF SUTTONS BAY
ZONING BOARD OF APPEALS
MEETING MINUTES OF August 13, 2025

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

Present: Bahle, Smith, Popke & Cheadle. Quorum present.
Absent: Hassevoort,
Staff present: Petroskey
Guests: None

Conflict of Interest: None

Approval of Agenda

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

Approval of Meeting minutes

Bahle moved, Smith seconded, CARRIED, to approve the ZBA meeting minutes of July 9, 2025, as presented. Ayes: 4 No: 0.

Next meeting: TBD

The meeting adjourned at 5:33 p.m.

Meeting minutes submitted by Dorothy Petroskey, Village Clerk.

PUBLIC HEARING NOTICE

TO THE RESIDENTS OF THE VILLAGE OF SUTTONS BAY

Notice is hereby given that the Village of Suttons Bay Zoning Board of Appeals will be holding a public hearing for a request for an interpretation of Section 2-4.D.4.b of the Village of Suttons Bay Zoning Ordinance as it applies to the allowable driveway width off the alley at 324 N. St. Mary's Street, Suttons Bay, submitted by Robert and McKenzi Barnes, Property No. 45-043-778-393-00.

Depending on the outcome of the zoning ordinance interpretation on the allowable driveway width, the property owners are requesting a Variance to construct an 18' wide driveway from the alley to their garage at 324 N. St. Mary's Street, Suttons Bay, MI 49682.

The public hearing is scheduled for Wednesday, January 14, 2026 at 5:30 p.m., at 420 N. Front Street, Suttons Bay, MI 49682.

Information regarding this request is available for public viewing at the Village Office located at 420 N. Front Street, Suttons Bay, Michigan, 49682, during regular business hours. Please send written comments to the Village of Suttons Bay, PO Box 395, Suttons Bay 49682 or suttonsbay@suttonsbayvillage.org.



Attorney Memorandum:

Zba application

324 St Marys

SMITH & JOHNSON

ATTORNEYS
PROFESSIONAL CORPORATION

LOUIS A. SMITH*
H. WENDELL JOHNSON*
TIMOTHY P. SMITH
KENNETH M. PETTERSON
L. PAGE GRAVES
ANDREW K. SHOTWELL
BRADLEY D. WIERDA
DANICA L. POWELL^
JOSEPH W. BRUNETT

*RETIRED SHAREHOLDER
^ADMITTED IN ILLINOIS

FIVE HUNDRED THIRTY FOUR EAST FRONT STREET
POST OFFICE BOX 705
TRAVERSE CITY, MICHIGAN 49685-0705
TELEPHONE: (231) 946-0700
FACSIMILE: (231) 946-1735
LANSING (517) 482-5142

ALLEN G. ANDERSON
(1953-2019)

WEBSITE
www.Smith-Johnson.com

E-MAIL ADDRESS
bwierda@smith-johnson.com

To: Suttons Bay Village ZBA Members
From: Brad Wierda
Date: January 2, 2026
RE: Legal Memorandum – 324 N. St. Mary’s Ave., Suttons Bay

Overview and Background

Robert and Mckenzi Barnes (“Appellants”) are the owners of residential property located at 324 N. St. Mary’s Avenue in Suttons Bay (the “Property”). According to the Village Zoning Administrator, Appellants were issued a Land Use Permit to construct a detached two car garage with a rec room on the Property on March 7, 2025. Access to that garage is from the rear alley. Also on March 7, 2025, the Village issued Appellants a driveway permit with a condition that: “driveway shall be 12’ width max paved from alley to the end of road right of way (R.O.W.).” Appellants seek to install a driveway that is wider than twelve (12) feet.

Appellants filed this appeal on August 11, 2025. Appellants request an interpretation of Zoning Ordinance Section 2-4(D)(4)(b) and, specifically, whether the twelve (12) feet maximum width requirement applies to their driveway which is located in the rear yard. If your interpretation of the Zoning Ordinance is that the twelve (12) feet maximum width requirement is applicable, Appellants request a dimensional variance allowing them to construct an eighteen (18) feet wide driveway.

Zoning Board of Appeals Powers

The Suttons Bay Village Zoning Ordinance (the “Zoning Ordinance”) provides that the Zoning Board of Appeals (the “ZBA”) has the power: 1. to hear and decide administrative appeals, 2. to approve dimensional variances in circumstances involving a practical difficulty, 3. to interpret the Zoning Ordinance, and 4. to hear and decide other matters referred to it. *ZO, Sec. 17-4(A)*.

Appellants have not brought an administrative appeal of the decision limiting the width of their driveway to twelve (12) feet. The deadline for filing administrative appeals is “30 calendar days after the decision or action being appealed.” *ZO, Sec. 17-5(A)*. In this case, the decision was

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issued on March 7, 2025 and this appeal was taken on August 11, 2025. Accordingly, the deadline for filing such an appeal expired more than four months before this appeal was filed. In deciding an administrative appeal, a ZBA is authorized “to reverse or affirm, wholly or partly” an administrative decision. Since Appellants have not filed a timely administrative appeal, you are not empowered to make such a decision. Rather, your decision in this case is limited to, first, interpreting the Zoning Ordinance and, second, approving a dimensional variance if you find “competent, material, and substantial evidence” that all of the applicable standards have been met. *ZO, Sec. 17-6, 17-7.*

Zoning Ordinance Interpretation Requested

Appellants request “an interpretation for Zoning Ordinance Section 2-4.D.4.b and its applicability to rear entry driveways to the alley, specifically at 324 N. Saint Mary’s Ave., Suttons Bay.”

Section 2-4(D)(4)(b) provides:

4. Location and Design. A driveway shall be permitted in the front or side yard subject to the following:

...

b. No driveway access shall exceed 12 feet in width for a distance of 10 feet from the edge of pavement, or where a sidewalk is required, for a distance of five (5) feet from back of sidewalk. The driveway shall not exceed 12 feet in width except that the driveway abutting the front elevation of a garage or carport may be of a width equal to the width of the garage or carport space. That width may extend a sufficient depth to support placement of single row of vehicles outside of the garage or carport and then shall taper to 12 feet or less.

Appellants note that they “are building a two-car garage facing the rear alley at our property.... DPW placed a requirement on the building permit that specifies the alley driveway must narrow to 12 feet (from an 18ft wide garage door).” Appellants allege that: “[a] 12ft driveway will cause unreasonable difficulty and impose safety concerns upon entering/exiting the garage, especially when towing. Additionally, there is abundant precedence of village properties with alley driveways that exceed or match the width of a two-car garage door (18ft)....” Appellants attach nine photographs of other properties.

The Zoning Administrator prepared a Staff Report in which he states that his “interpretation of Section 2-4.D.4.b is that this section does not apply to driveway accesses from alleys.” In support of his interpretation, he notes that this section expressly refers to driveways in the “front or side yard,” that the Zoning Ordinance has setback requirements from an alley that are separate and different from front and side setbacks, and that the alley is different from the front and sides of a property (see Figure 4-1).

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Legal Discussion - Interpretation

“[T]he goal of construction and interpretation of an ordinance is to discern and give effect to the intent of the legislative body.” *Detroit Media Group, LLC v. Detroit Bd. of Zoning Appeals*, 339 Mich.App. 38, 51 (2021). “When interpreting a statute, this Court attempts to give effect to the Legislature’s intent by looking at the statutory text, giving meaning to every word, phrase, and clause in the statute and considering both their plain meaning and their context.” *Liss v. Lewiston-Richards, Inc.*, 478 Mich. 203, 207 (2007). “The most reliable evidence of that intent is the language of the ordinance itself, which must be given its plain and ordinary meaning.” *Detroit Media*, 339 Mich.App. at 51.

Accordingly, in making your interpretation, you should try and determine the intent of the drafters of the Zoning Ordinance. You do that by looking at the Zoning Ordinance language and the specific words used in context.

The Zoning Administrator accurately notes that the provision at issue states: “[a] driveway shall be permitted in the front or side yard” and that the proposed driveway is not located in either the front or side yard. As described in Section 2-14(C)(1)(a), an interior lot (like the Property) has one front yard, two side yards, and one rear yard. It would appear beyond dispute that the location of the proposed driveway is located in the rear yard. *Id.*, *see also Figure 4-1*.

The Zoning Administrator then concludes that the width requirement accordingly “does not apply.” While that is one possible interpretation, it is not the only possible interpretation. As you consider this issue, consideration of the context and other sections of the Zoning Ordinance may be relevant to your deliberations.

The Zoning Ordinance section at issue is located in Section 2-4 which is titled: “Access, Driveways, and Private Streets.” Even more specifically, it is located within Section 2-4(D) which is titled: “Residential Driveway Requirements – Single-Family and Two-Family.” The provision at issue therefore addresses: “Location and Design” of “Residential Driveway[s].” There is no other section in the Zoning Ordinance which specifically addresses the design of residential driveways.

A second possible interpretation of the Zoning Ordinance language is that residential driveways are only permitted in the front and side yards of properties. Zoning Ordinances in Michigan are typically “permissive,” meaning that they list specifically allowed uses and any use not explicitly listed is generally prohibited. *See e.g., Dezman v. Charter Twp. of Bloomfield*, 513 Mich. 898 (2023). The Village Zoning Ordinance is a permissive ordinance. *See ZO, Sec. 2-2(A)* which provides: “For the purpose of this ordinance, except as hereafter specifically provided, no lot, land, parcel or premises shall be used maintained or occupied... except in conformity with the regulations specified for the zoning district in which it is located....” *See also, ZO, Sec. 3-4* (“A use not specifically mentioned or described by category is prohibited unless authorized by the Administrator or Zoning Board of Appeals by Section 3-5, Similar Uses”). The only authorization for a residential driveway in the Zoning Ordinance is contained

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in Sec. 2-4(D)(4)(b) which, as set forth above, states: “[a] driveway shall be permitted in the front or side yard subject to the following....”

Notably, Appellants have been permitted to build a driveway in a rear yard in this case. Upon information and belief, as indicated by Appellants, there are other driveways located in rear yards off of the alley as well. Additionally, while not cited by the Appellants, Section 10-5 of the Zoning Ordinance (“Residential Parking”) notes that: “Garage entrances and off-street parking will be located in the rear for parcels serviced by an alley.”¹ *ZO, Sec. 10-5(A)(2).*

“DRIVEWAY” is a defined term in the Zoning Ordinance as follows: “DRIVEWAY means a privately controlled and maintained easement, right-of-way or other interest in land, located and constructed in accordance with the requirements of this ordinance, providing vehicular access from a public or private street to a lot.” *ZO, Sec. 20-3.*

Accordingly, you are called upon to interpret the Zoning Ordinance requirements for driveways on this residential property. Under Section 17-7 of the Zoning Ordinance:

The Zoning Board of Appeals shall have the power to hear and decide the following interpretation matters:

A. *Ambiguity.* To determine the meaning of ordinance provisions when ambiguity is found to exist.

...

C. *Other.* To determine such other matters as may arise under the ordinance.

In this case, it appears that there may be an ambiguity or, at a minimum, a matter has arisen where a residential property owner has been permitted to build a driveway in a rear yard. Potentially applicable sections of the Zoning Ordinance have been cited above.

Based upon the Zoning Ordinance language, do you agree with the Zoning Administrator’s interpretation that since the proposed driveway is in the rear yard, it is not subject to the width restriction set forth in Sec. 2-4(D)(4)(b) and therefore its width is unlimited? Alternatively, since the only section in the Zoning Ordinance addressing the location and design of residential driveways includes a twelve (12) foot width restriction, do you believe that the drafters of the Zoning Ordinance intended that restriction to apply to all driveways? Finally, you may conclude that there is an additional interpretation which best gives effect to the intent of the drafters of the Zoning Ordinance which is the appropriate interpretation.

Legal Discussion - Variance

As noted above, Appellants request a dimensional variance allowing an eighteen (18) feet wide

¹ In this residential parking section of the Zoning Ordinance, there are requirements for required off-street parking spaces. *Sec. 10-3(F).* There may also be a question as to whether the required off-street parking spaces are present on the property.

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driveway (i.e., a six (6) foot variance) if you determine that the width restriction applies. The standards for dimensional variances are set forth in Section 17-6(A)(1) which are included in the Zoning Administrator's Staff Report.

As correctly noted by the Zoning Administrator, a variance can only be granted if you find that Appellants have demonstrated a practical difficulty exists by satisfying all five (5) of the required standards. In reviewing Appellants' Application to the Zoning Board of Appeals, it appears that they make arguments as to how they have satisfied some, but not all, of the required standards

Specifically, Appellants argue that “[a] 12ft driveway will cause unreasonable difficulty and impose safety concerns upon entering/exiting the garage, especially when towing.” This argument is arguably applicable to standard c which provides: “[t]hat 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.”

Appellants also argue that “there is abundant precedence of village properties with alley driveways that exceed or match the width of a two-car garage door (18ft) (see Appendix A).” This argument is arguably applicable to standard d which provides: “[w]hether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to the other property owners.” It is also arguably applicable to standard e which provides: “[t]hat the requested variance will not cause adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.”

If you reach consideration of the variance request, you may want to inquire of Appellants how the additional variance standards are satisfied. You should also make a finding as to whether or not each of the five (5) standards has been met by Appellants. If all five (5) standards are met, you will grant the variance. If any of the standards is not met, you will deny the variance.

Legal Discussion – Official Record

Finally, as you consider the Appellants' appeal, you are required to create an official record and findings of fact. *ZO, Sec. 17-9*. Please review this section of the Zoning Ordinance carefully and confirm that you comply with all of the requirements set forth in Section 17-9(A). Additionally, the decision of the Zoning Board of Appeals also requires a certification as set forth in Section 17-9(B). Please also review that section carefully and confirm that you are in full compliance.

If we can be of any further assistance to you, please do not hesitate to contact us.



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.

RECEIVED
8-18-2025
#500

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.

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

**ZONING STAFF REPORT
ON
A REQUEST FOR INTERPRETATION AND VARIANCE
ROBERT & MCKENZI BARNES
324 N. ST. MARY'S STREET, SUTTONS BAY**

**Prepared by Steve Patmore
For Public Hearing on October 5, 2025**

I. REQUEST

Request by Robert & McKenzi Barnes for an interpretation of the Village of Suttons Bay Zoning Ordinance (ZO), and, if necessary, a dimensional variance for driveway width.

Request A: Request for a Zoning Board of Appeals interpretation of Section 2-4.D.4.b of the ZO. Specifically, does this section apply to driveways accessing from an alley?

Request B: If the ZBA rules that Section 2-4.D.4.b applies to driveways off an alley, then the Applicants are requesting a dimensional variance to allow an 18' wide driveway off the alley behind 324 N. St. Mary's Street.

II. BACKGROUND

- On March 7, 2025, Robert and McKenzi Barnes were issued a Land Use Permit by the Village of Suttons Bay to construct a detached two car garage with a rec. room on their property at 324 N. St. Mary's Street. This proposed garage would have driveway access from the alley between St. Mary's Street and St. Joseph Street. (see sketch in attachments)
- As part of the Land Use Permit process, the Applicant must also obtain a Driveway Permit from the Village. This Permit is reviewed and signed by both the Zoning Administrator and the Village of Suttons Bay Department of Public Works Manager (DPW).
- The Village of Suttons Bay has driveway standards within the Zoning Ordinance. (Section 2-4 of the ZO). Per Section 2-4.A.3, the DPW can also establish curb-cut standards.
- As part of the Driveway Permit Approval for 324 N. St. Mary's, (see permit in attachments) the DPW established a condition of the permit that the driveway access from the alley could not exceed 12' in width, based upon their interpretation of the Zoning Ordinance.
- The Zoning Administrator's interpretation of Section 2-4.D.4.b is that this section does not apply to driveway accesses from alleys.

III. PROCESS

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

A request for a dimensional variance may be made by the owner of the property on which the variance would apply, or by a person authorized in writing by the owner to request the variance.

This Public Hearing has been noticed for the November 5, 2025 ZBA meeting.

It should be noted that the Village of Suttons Bay Zoning Board of Appeals does not have the authority to review, interpret, or grant variances to any DPW standards outside of the Zoning Ordinance.

IV. GENERAL FINDINGS OF FACT

1. The subject property is located at 324 N. St. Mary's Street, Suttons Bay, MI 49682
Property No. 45-043-778-393-00.
2. According to county records, the subject property is owned by Robert and McKenzi Barnes, 324 N. St. Mary's Street, Suttons Bay, MI 49682
3. The subject parcel currently contains a single-family home and the detached garage under construction.
4. The subject property is currently zoned Central Residential District (CR).
5. A Land Use Permit was issued by the Village of Suttons Bay on March 7, 2025 for a 26' x 36' detached garage including a recreation room. 1.5 stories, 23' building height.
6. The current applicable setbacks for this structure are:
Side Yard: 6 feet
Alley Setback: 10 feet
7. The existing single-family dwelling at 324 N. St. Mary's Street has an existing driveway off of St. Mary's Street. The proposed garage would have access from the alley between St. Mary's Street and St. Joseph Street.

V. BASIS OF ZONING ADMINISTRATOR'S INTERPRETATION

The Zoning Administrator's interpretation of Section 2-4.D.4.b is that this Section applies to driveways entering the property through the Front or Side Setbacks, and that this section does not apply to driveways entering the property from an alley.

The DPW has made an interpretation that the Zoning Ordinance requires that a driveway off from the alley can only be a maximum of 12' in width.

The Zoning Administrators interpretation is based upon the following:

1. The language in the first sentence of Section 2-4.D.4 states "A driveway shall be permitted in the front or side yard subject to the following:....". This implies that the following standards a-d apply only to driveways in the front or side yards.
2. Table 4-3 of the Zoning Ordinance (attached) has setback requirements from an alley that are clearly separate and distinguished from the front and side setbacks.
3. Figure 4-1 of the Zoning Ordinance (attached) shows that the Alley is different from the Front and Sides of a property.

Therefore, the Zoning Administrator has interpreted that the alley is different from a front or side yard, and therefore, Section 2-4.D.4.b does not apply to the driveway off of the alley, and respectfully disagrees with the DPW interpretation of the Zoning Ordinance.

The Zoning Administrator completely agrees that the DPW has the authority to establish standards for curb-cuts in the Village of Suttons Bay.

VI. ZBA ACTION ON INTERPRETATION OF SECTION 2-4.D.4.b:

Possible Action:

The Village of Suttons Bay Zoning Board of Appeals has reviewed Section 2-4.D.4.b of the Village of Suttons Bay Zoning Ordinance, and has determined that this Section of the Zoning Ordinance (does/does not) apply to the driveway entering 324 N. St. Mary's Street from the alley.

VII. DIMENSIONAL VARIANCE REQUEST:

This request is dependent on the determination of the interpretation above.

If the dimensional variance request proceeds, the ZBA will need to review and complete the Findings of Fact listed below.

The Applicant has submitted photos of other driveways in the village that access from driveways.

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

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

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

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

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

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

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

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

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

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

The VSBZBA finds:

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

The VSBZBA finds:

VIII. POSSIBLE ACTION ON DIMENSIONAL VARIANCE:

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

Motion to (approve / approve with conditions / deny) the Application submitted by Robert and McKenzi Barnes for a dimensional variance of the allowable driveway width from 12' to 18' on the alley driveway at 324 N. St. Mary's Street.

Subject to the following conditions: (if applicable)

ATTACHMENTS TO ZONING REPORT

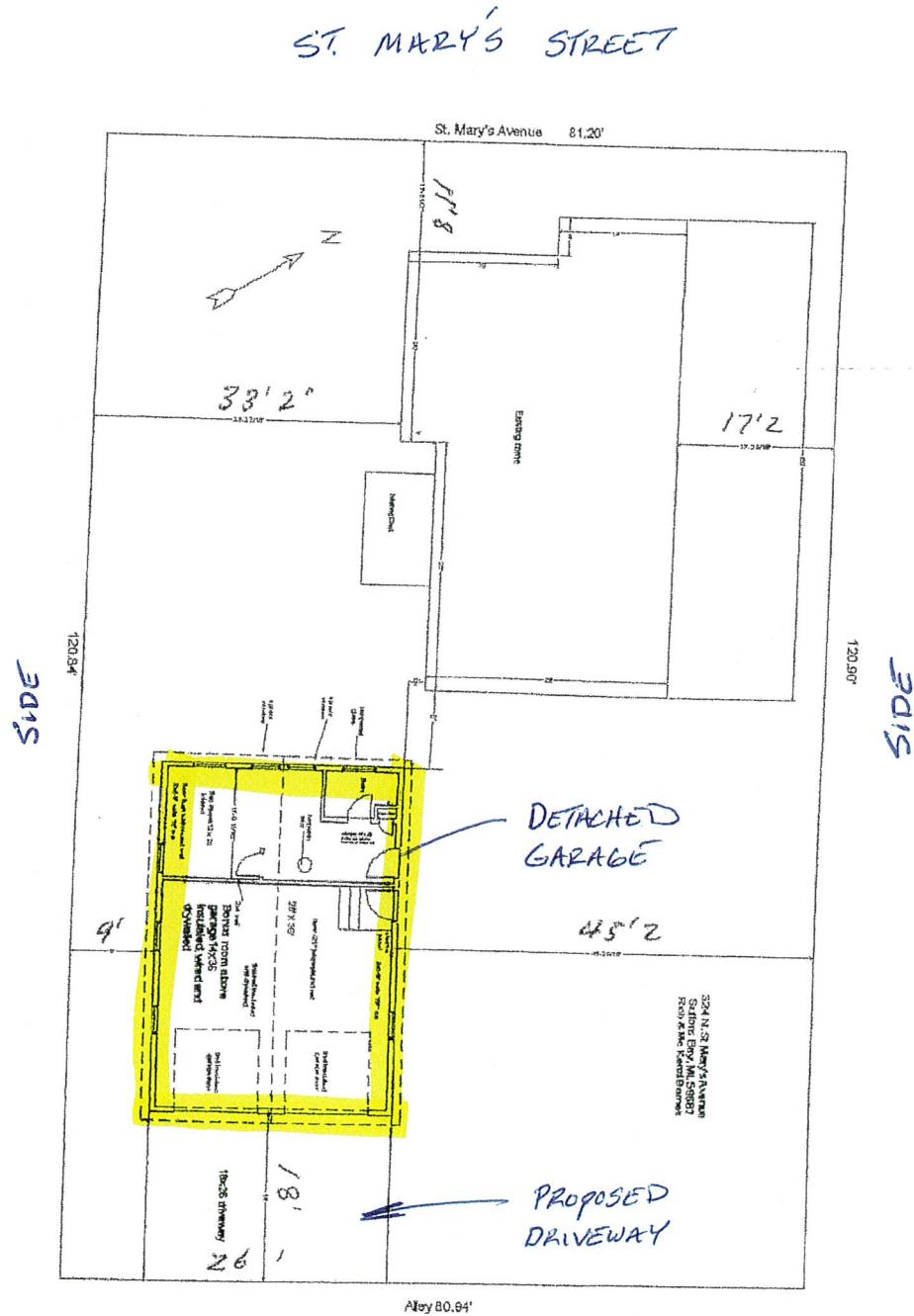
For Village of Suttons Bay ZBA Meeting

November 5, 2025

- Sketch of garage and driveway
- Section 2-4 of VSB Zoning Ordinance – Access, Driveways, and Private Streets.
- Section 4-3 of VSB Zoning Ordinance – Spatial Requirements – Residential Districts.
- Figure 4-1 of VSB Zoning Ordinance – Spatial Requirements
- Driveway permit issued to 324 N. St. Mary's St.
- Email from Zoning Administrator to Property Owner.

PLOT PLAN

Scale: $1/4"=2'$



ALLEY

Scale: $1/4"=1'$ 2/5/2025	Rob & McKenzi Barnes 324 N. St. Mary's St. Suttons Bay, MI. 49682	HARDWICK CONSTRUCTION LLC 282 RASHO RD, TRAVERSE CITY MI. 49696 231-620-4610 THARDWICK@CHARTER.NET COMPANY LICENSE: 2102212903	7
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SKETCH

JP

- c. There shall be a minimum set back of five (5) feet from the side and rear property lines.
- d. The accessory building shall not occupy more than 30 percent of the required rear yard.
- e. Height shall not exceed 25 feet or the height of the principal structure, whichever is less.
- f. Area shall not exceed 50 percent of the principal building first floor square footage or 750 square feet, whichever is less.
- g. An accessory building shall not be constructed or occupied on a lot before the principal building or use on the lot is constructed.

3. Oversized Detached Accessory Buildings. The Planning Commission may approve accessory buildings greater than the area required by the Zoning Ordinance after consideration of the following factors:

- a. The size of the lot or parcel of land as it relates to the size of the proposed building.
- b. The intended use for the building.
- c. The proposed type and construction, and general architectural character of the building and compatibility with the neighborhood character.
- d. The location of the proposed building in relation to the principal dwelling and dwellings on nearby properties.
- e. The type and kind of other principal and accessory buildings and structures presently located on the lot or parcel of land.
- f. The type and kind of principal and accessory buildings and structures located on properties which are adjoining and in the same neighborhood.
- g. The effect on light and air circulation of any adjoining properties.
- h. The environmental effect of the building(s) or their proposed use.
- i. The potential visible impact on adjacent properties.
- j. Placement of the building on the property in relation to existing or planned roads, land divisions, and utilities.

B. *Non-Residential Principal Use of Property.* Buildings and structures accessory to non-residential uses shall meet the minimum setback requirements and height limitations for principal buildings in the respective zoning district.

Section 2-4 Access, Driveways, and Private Streets

- A. *General.*
 - 1. Permit Required. No individual, association, corporation or entity, either public or private, shall construct or extend a private driveway or street without first having obtained a permit from the Village.
 - 2. Jurisdiction. Any proposed private driveway or street must be permitted by the applicable public authority if intersecting with a public street. If the private driveway or

street intersects an existing private street, written permission from the owners, private street association or other entity that owns the private street shall be submitted.

3. **Access.** **Driveway entrances and exits to a parcel of land shall comply with the Village of Suttons Bay curb cut requirements,** and shall require a right-of-way permit when applicable. No new curb cuts are allowed on M-22 and St. Joseph Avenue in the CB and NG Districts.
4. **Occupancy Permits.** No occupancy permit for a structure on a parcel accessed by a private driveway or street shall be approved until the driveway or street has been approved and inspected according to this section.
5. **Parking.** On-site parking of vehicles shall be restricted to improved parking areas, such as driveways, parking lots, garages, and carports.
6. **Maintenance and Repairs of Sidewalks.** Any and all repair of damage to sidewalks due to driveway and private street construction shall be the responsibility of the landowner.
7. **Fire Department.** Property access, driveways, and streets are subject to applicable fire codes.

B. **Application.** All applications for private driveways and streets shall be on an established application form and shall include any required fees, the required number of plans, the private easement and maintenance agreement (if applicable) and any other required information.

C. **Types and Approval Authority.**

1. **Driveway and Shared Driveway.** A driveway or shared driveway shall be reviewed and approved by the Administrator.
2. **Private Street.** A private street shall be reviewed by the Planning Commission, which shall make a recommendation to the Village Council. The Village Council shall provide final approval of private streets.

D. **Residential Driveway Requirements- Single-Family and Two-Family.**

1. **Permitting.** Driveways are subject to Village permitting and construction standards, including stormwater runoff design requirements.
2. **Number and Location.** The number and location of driveways, including horseshoe driveways with two (2) curb cuts, providing direct access to a public or private street shall not exceed those which have been determined by the Administrator to be necessary for proper and efficient traffic flow and that preserves the safety of pedestrians and motorists. In making this determination, the Administrator shall consider the posted speed limit on the street, the proximity of intersecting streets and driveways, and other circumstances determined relevant by the Administrator.
3. **Surface.** The driveway surface may be paved with a hard surface or may be aggregate (gravel). However, the following areas shall be paved:
 - a. If no sidewalks, paved between street edge and right-of-way line.
 - b. If sidewalks, paved from street edge to a point five feet interior of the inside edge.

4. Location and Design. A driveway shall be permitted in the front or side yard subject to the following:

- a. The driveway surface and any connected pad shall be at least three (3) feet from a side lot line.
- b. No driveway access shall exceed 12 feet in width for a distance of 10 feet from the edge of pavement, or where a sidewalk is required, for a distance of five (5) feet from back of sidewalk. The driveway shall not exceed 12 feet in width except that the driveway abutting the front elevation of a garage or carport may be of a width equal to width of the garage or carport space. That width may extend a sufficient depth to support placement of single row of vehicles outside of the garage or carport and then shall taper to 12 feet or less.
- c. The driveway may include an attached pad for purposes of allowing vehicles exiting a garage, carport, or driveway to back-up and turn the vehicle in order to allow forward entry on to the street.
- d. The driveway shall be positioned for direct access to the garage or carport. In the event a garage or carport does not exist, the orientation of the driveway shall be to the side or rear yard.

5. Shared Driveway Requirements.

- a. Limitations. A shared driveway shall only be approved to provide the primary access from a road to two (2) contiguous lots, which because of their zoning, configuration, or other circumstance related to the land, cannot be or are unlikely to be split into future additional lots.
- b. Design and Construction Requirements.
 - (1) The shared driveway shall be located within an easement with a minimum width of 20 feet.
 - (2) The shared driveway shall have a minimum width of 10 feet of travel surface.
 - (3) The driveway surface may be paved with a hard surface or may be aggregate (gravel).
- c. Application and Approval. Shared driveway applications shall be reviewed by the Administrator and Fire Chief.

6. Entry and Exit. For driveway access onto M-22 and M-204, the access shall be designed and constructed so that vehicles can enter and exit the parcel in a forward moving direction of travel.

F. Private Street Requirements.

1. Design and Construction Requirements.
 - a. Private streets shall comply with Village street construction and design standards; however, the requirements of this section shall supersede those standards.
 - b. Private streets shall not connect to other private streets or rely on other private streets for access to public roads unless proof of authorization and approval by the association or entity responsible for maintenance and control of connecting private street is provided.

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%	SEE 4-5
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	
HR	100	100/20	40	40	40	40	-	30, 40 for dwellings with walk out basement	2.5	Lesser of 40% or 8,000 SF	Lesser of 50% or 10,000 SF	
WC	150	200/200	35	35	Lesser of 35 or height of bldg.	-	50	35	2.5	25%	40%	

B. *Single-Family and Two-Family Garages.* If garage doors are oriented toward the primary street frontage, they must be positioned at least five (5) feet behind the primary façade of a house. The total width of garage door openings shall not exceed 40 percent of the total width of any street-facing elevation of the house. On a corner lot, a garage facing a secondary street may be flush with the secondary side elevation or behind.

C. The Lake Michigan setback shall be measured from the Lake Michigan Historic High-Water Elevation as determined by the US Army Corp of Engineers.

¹ For the CR district, the minimum setback is 15 feet and the maximum setback is 25 feet.

² The six (6) foot Secondary Street Front Setback is only applicable to the side of dwellings on corner lots. For instance, setbacks from Madison, Jefferson, Park, Adams, Grove, and Concord Streets may only be six (6) if the home faces the other street (Broadway, Lincoln, St. Mary's, Race, and Stratton). If facing the secondary street, two primary street front setbacks shall apply.



043-778-393-00

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

Date Received: Date Approved:	DRIVEWAY PERMIT APPLICATION				
Section A Property Owner Information	1. Land Owner's Name: <i>ROB + MCKINZIE BARNES</i>	Phone#			
	2. Land Owner's Mailing Address: <i>GERMANY</i>	Address	Town/City	State	Zip Code
	3. Applicant/Agent Name: <i>HARDWICK CONSTRUCTION LLC</i>	Address	Phone #	231-620-4610	
	4. Applicant/Agent Mailing Address: <i>282 RASHO Rd TRAVERSE CITY MI 49696</i>	Address	Town/City	State	Zip Code
	5. Other contact information Email: <i>thardwick@charter.net</i>	Work	Cell	231-620-4610	
Section B Property Location Information	6. Directions to property: <i>324 ST MARYS Avenue</i>				
	7. Street Name <i>ST MARYS</i>				
	8. <input type="checkbox"/> North <input checked="" type="checkbox"/> South <input type="checkbox"/> East <input type="checkbox"/> West – side of street				
	9. Distance from nearest intersection: <i>1/16 MILE</i> Name of intersection: _____ (estimated in tenths of a mile)				
	10. Utilities Location(s) _____	Attach Survey Data (if available)			
	11. Map and Parcel number: _____	Survey and/or drawing attached.			
Proposed Location of Driveway/Entrance shall be staked and flagged by applicant.					
Section C Driveway/ Entrance Information	<i>DRIVEWAY will be the alley</i>				
	13. Desired width of Driveway/Entrance: (Feet) <i>26'</i> (Max of 12' <i>WIDTH</i>) Type of Surface: <i>Concrete</i> Please provide total impervious surface calculations for parcel (gravel, pavement etc.) "Impervious surfaces" are the footprint of buildings, pavement, gravel, or other low-permeability or compacted surfaces, not including natural or man-made water bodies. <i>1404 sq ft gutters installed on Grade</i>				
	14. Does your property have an existing access? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no (If no, skip to line 18)				
	15. If this is an existing access and you are changing its use, please describe _____				
	16. If this is an existing access and you are physically modifying, please describe: _____				
17. Proposed Driveway/Entrance Purpose: <input checked="" type="checkbox"/> Single Family Residence <input type="checkbox"/> Home Business <input type="checkbox"/> Commercial/Industrial					
18. Does your driveway slope? If yes, do you have a storm water run-off control plan? (Please contact the drain commissioner at Leelanau County to insure you meet the requirements of the Ordinance.)					
Section D Construction Information	19. Construction expected to begin on <i>MAY 2025</i> and be completed on <i>NOV 2025</i> (date) _____ (date) _____				
	20. Person/Company constructing entrance <i>LEELANAU POURED WALLS</i>				
	21. Construction contacts name <i>TERRY FLASKA</i> Phone _____				

RECEIVED
02-17-2025

PAID
\$50

CHC 19598

The submission of false or misleading statements on or with this application, or the omission of information necessary to prevent statements submitted herein or herewith from being misleading, is a crime punishable by law.

Date Filed: Feb 7, 2025 Signature of Owner _____

Signature of Applicant Terriane E Haaslewick Dated:

By signing and checking this box I hereby certify that I have been granted permission from the property owner to act in their behalf.

Signature of Authorized Village Official LBHill 3/7/25 Dated:

Signature of Village Zoning Official Steve Patore ZONING ORDINANCE REVIEW Dated:

(If required)

DRIVEWAY SHALL BE 12' WIDTH MAX PAVED
FROM ALLEY TO THE END OF
ROAD RIGHT OF WAY (R.O.W.)

ZONING ORDINANCE NOTES:

- DRIVEWAY MUST BE PAVED BETWEEN EXISTING ALLEY
AND RIGHT-OF-WAY LINE.



Robert Barnes <rkbarnes82@gmail.com>

Barnes - 324 N Saint Mary's - Garage

Suttons Bay Zoning <zoning@suttonsbayvillage.org>
To: Robert Barnes <rkbarnes82@gmail.com>

Fri, Jul 11, 2025 at 9:30 AM

Mr. Barnes,

The 12' maximum width requirement on the driveway permit (copy attached) was inserted by the DPW Director and not me as Zoning Administrator.

My interpretation of the Zoning Ordinance is that the 12' maximum width outlined in Section 2-4.D.4.b of the Zoning Ordinance is not applicable to driveways in alleys, however, this interpretation only applies to zoning and not any DPW requirements.

The DPW Director, Dave Miller, will need to approve removing this condition that he added.
His number is: 231-271-1032

Steve Patmore
Zoning Administrator
Village of Suttons Bay
[Quoted text hidden]

 **BP-50C26_20250711_085011.pdf**
1368K

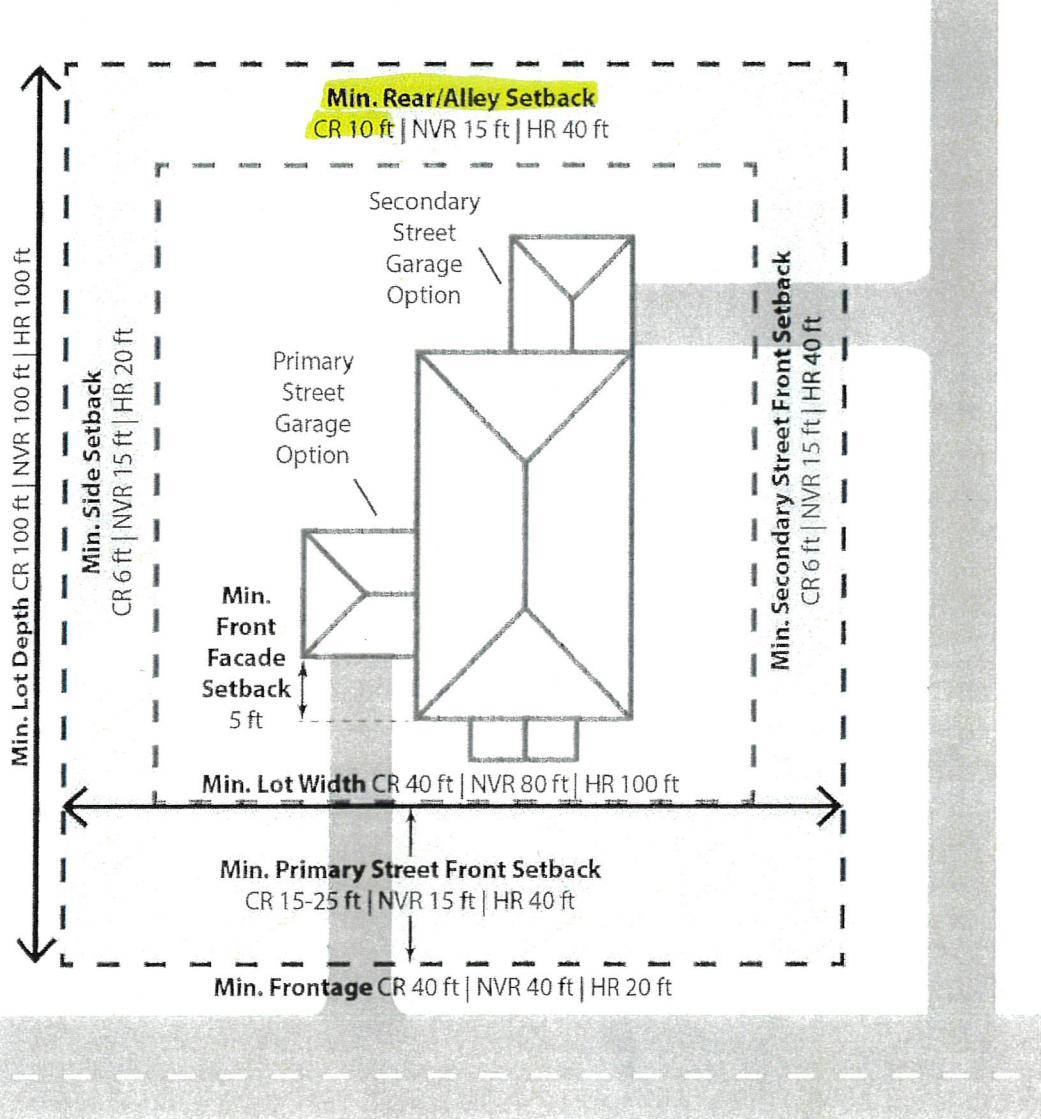


Figure 4-1 CR, NVR, and HR Spatial Requirements- Single-Family Dwellings

Public comment received: 324 St Marys

Village Clerk

From: Marie Porter <maporterus@yahoo.com>
Sent: Monday, November 10, 2025 8:16 PM
To: Village Clerk
Cc: maporterus@yahoo.com
Subject: Re: Variance request for 324 N St Marys Ave

Sent from my iPad

On Nov 10, 2025, at 5:23 PM, Marie Porter <maporterus@yahoo.com> wrote:

Sent from my iPad

Begin forwarded message:

From: Marie Porter <maporterus@yahoo.com>
Date: November 10, 2025 at 5:02:08 PM EST
To: maporterus@yahoo.com
Subject: Fwd: Variance request for 324 N St Marys Ave

Village of Suttons Bay Zoning Board of Appeals
420 N. Front Street
Suttons Bay, Mi 49682

Dear Board Members,

My name is Marie Porter, and I own the property adjacent to the South, of the property in question. My property is 322 N St Marys Ave.

I am asking the board to deny the request of the Barnes' for a Variance, for the 324 N St Marys for the following reasons:

1. The Barnes' have violated the requirement of the DPW, as stated on the Building Permit Application, of a 12' driveway.

He already built it before asking for a variance

2. The time to ask for a Variance, is prior to construction, not afterward.
3. None of the photos of existing driveways that the Barnes' have submitted as documentation, impinge on an adjacent property. They also are not in a highly dense residential area .The said property is across the ally which has apartments and their entrance is the alley.
4. The Barnes' did not supervise their contractor during construction, as damage occurred to my property. (see photographs 1&2) My survey stakes had been removed and broken and the roots to my established hedge disturbed . New wooden and a metal survey post were replaced . I don't know if it was by a surveyor.
5. The Barnes' state in their letter of application,"DPW's only communicated reason for the width restriction is to abide by the Zoning Ordinance Section2-4.D.4.b."
6. The reasons he is stating as hardships, should have been addressed by himself, as to where he would place the "garage", on his property.

According to the Standards for Dimensional Variances, he does not qualify. Standards lists,A, B, C, D And E, items. All Standards must be met.

Standard A. It is not due to a unique circumstances or economic hardship.

Standard B. " The need for the requested Variance is not the result of actions of the property owner." Mr. Barnes has created this situation himself, regardless of the DPW written requirement.

Standard C. That the requirements do not prevent the building for the permitted use of a "garage"

Standard D. If the 6 ft of driveway is allowed on the South side, adjacent to my property, there is no room for snow to pile up or snow plow equipment to move, without compromising my established shrubs, or using my land for snow piling storage.

This has already been demonstrated in the construction process. My established hedge was disturbed, and my property survey stakes were removed, and broken off. Replacements have been made, but I don't know if it was by a Certified Surveyor or by builders

Property lines have not been respected. If the request is granted, I request a privacy fence be installed, as a condition for visually marking our property

line, or a cement pillar, on his property that cannot be bent over to prevent disturbing my property

Standard E. I feel that my property will be adversely impacted, if a Variance is permitted, without conditions

Sincerely,

Marie Porter. 322 N St Marys Ave.

Village Clerk

From: Marie Porter <maporterus@yahoo.com>
Sent: Monday, November 10, 2025 8:20 PM
To: Village Clerk
Subject: Fwd: Property line SB

Sent from my iPad

Begin forwarded message:

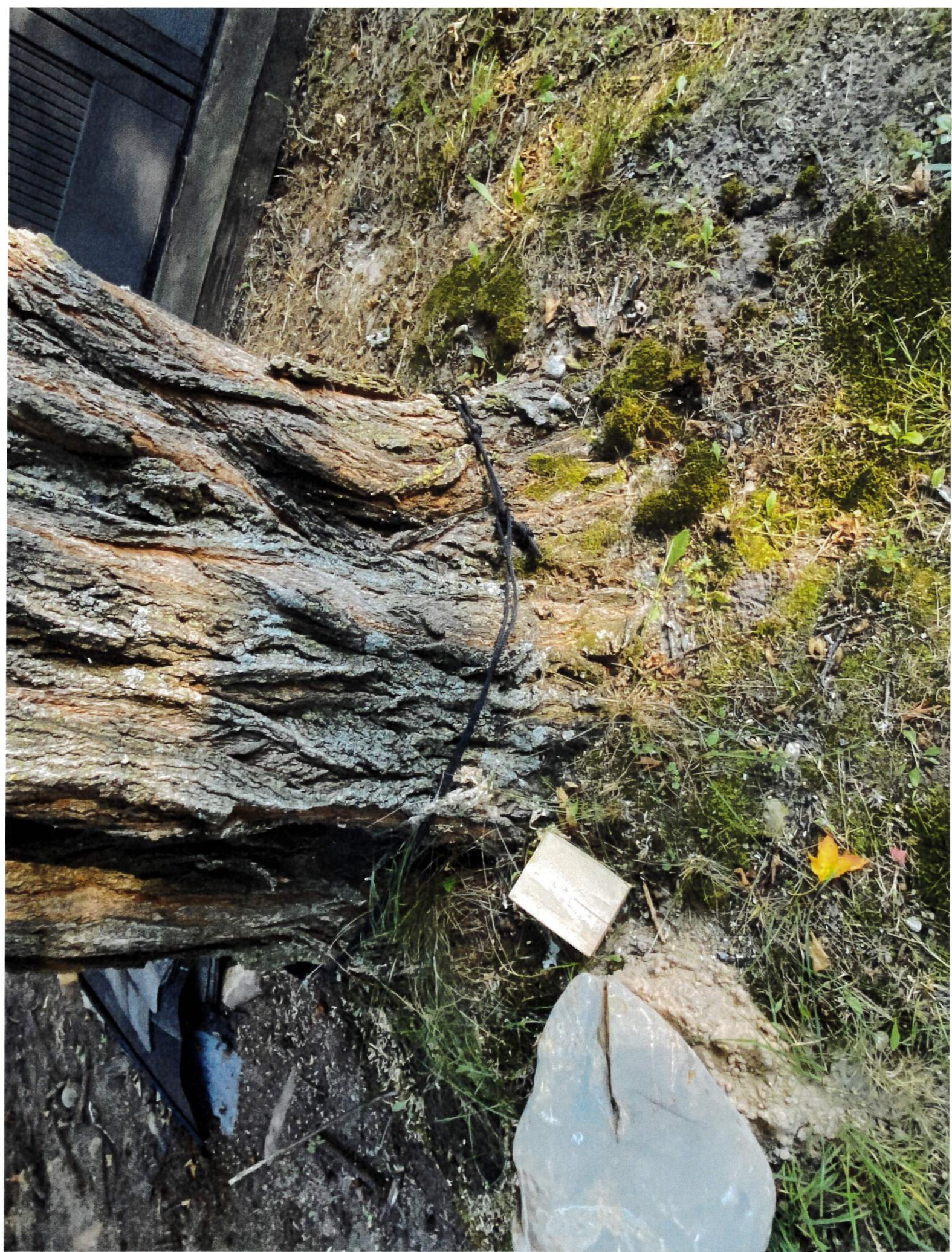
From: Marie Porter <maporterus@yahoo.com>
Date: September 11, 2025 at 1:08:51 PM EDT
To: suttonsbay@suttonsbayvillage.org
Subject: Fwd: Property line SB

Attn: Dorothy Petroskey

From: Marie Porter <maporterus@yahoo.com>
Subject: Property line SB











PUBLIC HEARING NOTICE

TO THE RESIDENTS OF THE VILLAGE OF SUTTONS BAY

Notice is hereby given that the Village of Suttons Bay Zoning Board of Appeals will be holding a public hearing for a request for an interpretation of the setback requirements in the Central Business District of the Village of Suttons Bay Zoning Ordinance as it applies to Dame Street and whether Dame Street should be classified as an Alley for Zoning purposes at 100 & 101 E. Dame Street, Suttons Bay, submitted by Jozwiak Consulting, on behalf of Inland Seas Education Association Property No. 45-043-767-002-20 and 043-767-002-00.

Depending on the outcome of the zoning ordinance interpretation on the street classification, the property owners are requesting the following dimensional variance(s): 1) 10-foot minimum building setback along Dame Street, 2) 0-foot parking setback, and 3) Removal of the 50% building frontage requirement, 100 and 101 Dame Street, Suttons Bay, MI 49682.

The public hearing is scheduled for Wednesday, January 14, 2026 at 5:30 p.m., at 420 N. Front Street, Suttons Bay, MI 49682.

Information regarding this request is available for public viewing at the Village Office located at 420 N. Front Street, Suttons Bay, Michigan, 49682, during regular business hours. Please send written comments to the Village of Suttons Bay, PO Box 395, Suttons Bay 49682 or suttonsbay@suttonsbayvillage.org.

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

**ZONING STAFF REPORT
ON
A REQUEST FOR INTERPRETATION AND VARIANCE
INLAND SEAS EDUCATION ASSOCIATION
101 E. DAME STREET, SUTTONS BAY**

**Prepared by Steve Patmore, Zoning Administrator
For Public Hearing on January 14, 2026**

I. REQUEST

Request submitted by Inland Seas Education Association for an interpretation of the Village of Suttons Bay Zoning Ordinance (ZO), and, if necessary, a dimensional variance of the standards for build-to/setback line, building frontage, and parking setback..

Request A: Request for a Zoning Board of Appeals interpretation that Dame Street be considered an Alley as it pertains to the build-to/setback requirements of Figure 5-1.

Request B: If the ZBA rules that Dame Street should be considered as a Side Street, then the Applicants are requesting Dimensional Variances as follows:

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

II. BACKGROUND

- In the Fall of 2025, Inland Seas Education Association (ISEA) submitted an Application for Site Plan Review to the Village of Suttons Bay that included the Change of Use and an addition to the existing building at 101 E. Dame Street, along with a re-configuration of the existing parking lot, including landscaping.
- The Application was processed as a “Type B” Site Plan Review, which is performed by the Village Planning Commission, with assistance from the Village Planner, Sara Kopriva, of Beckett & Raeder. The December 12, 2025 Planning Report is attached.
- On December 17, 2025, the Planning Commission approved the Application with conditions, one of which was that the Applicant obtain “ZBA Approval of variance for build-to/setback along Dame St. Nothing in the Planning Commission approval shall guarantee approval or action by the ZBA.”
- The issue identified by the Planner and Planning Commission pertains to the build-to/setback requirements of Figure 5-1 of the Zoning Ordinance as it relates to the property frontage on Dame Street. The Planning Commission considered Dame Street as a Side Street in determining the build-to/setback requirements contained in Figure 5-1.
- ISEA subsequently submitted this Application requesting an Interpretation and Variance from the Zoning Board of Appeals.

III. PROCESS

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

A request for a dimensional variance may be made by the owner of the property on which the variance would apply, or by a person authorized in writing by the owner to request the variance.

This Public Hearing has been noticed for the January 14, 2026 ZBA meeting.

IV. GENERAL FINDINGS OF FACT

1. The subject property is located at 101 E. Dame Street, Suttons Bay, MI 49682
Property No. 47-100-00000-00.
2. The subject property is owned by Inland Seas Education Association.
3. The subject property currently contains a building commonly known as the Millside Building.
4. The subject property is currently zoned Central Business District (CB).
5. The existing building has been determined to be a legal non-conforming structure.
6. The current build-to/setbacks for the CB District per Figure 5-1 are:

Side Street: 0 ft minimum, 5 ft maximum, 50% Minimum Building Frontage
Alley: 0 ft minimum, No maximum, No minimum frontage listed.
Parking: 25' minimum from the St. Joseph Street front lot line.



Figure 5-1 CB District Spatial Requirements

V. ZONING ADMINISTRATOR'S FINDINGS

1. The Zoning Administrator agrees with the Planning Commission Site Plan Review that Dame Street should be considered a Side Street as it relates to Figure 5-1 of the Zoning Ordinance.
2. Dame Street provides the primary access to the Village Coal Dock property.
3. Dame Street appears to function as and fit the following definition of Street in the Village of Suttons Bay Zoning Ordinance:
“**STREET** means a public or private thoroughfare, used or intended to be used for passage or travel by motor vehicles. “Street” also includes the term “Road.”
4. Dame Street is included on the Street map certified by the Village of Suttons Bay that is used for Public Act 51 funds.
5. Dame Street is indicated as a street on the Leelanau County Transportation Map.
6. The fact that Dame Street is not shaded in white on the Village Zoning Map is not a determination of the function of that Street. This was a map omission.

VI. ZBA ACTION ON INTERPRETATION OF DAME STREET:

The Village of Suttons Bay Zoning Board of Appeals has reviewed the Request submitted by the Applicant, as well as the Planning Commission Reports, and Article 5 of the Village Zoning Ordinance and has determined that, with regard to 101 E. Dame Street, that:

Possible Alternatives:

- Dame Street should be considered as a Side Street in determining the build-to/setback standards contained in Figure 5-1 of the Zoning Ordinance, or;
- Dame Street should be considered as an Alley in determining the build-to/setback standards contained in Figure 5-1 of the Zoning Ordinance, or;
- Another finding

VII. DIMENSIONAL VARIANCE REQUEST:

This request is dependent on the determination of the interpretation above.

If the dimensional variance request proceeds, the ZBA will need to review and complete the Findings of Fact listed below.

Variance Request: the following Dimensional Variances per the drawings dated 11/20/2025 prepared by Joswiak Consulting.

- *Variance of the build-to/setback requirement along Dame Street from the 5-foot required maximum to 43.8' maximum, as shown on the Site Plan, to allow for the construction of the approximate 353 square foot stairway addition at 101 E. Dame Street.*
- *Variance of the 25 ft. minimum Parking Setback from the Front Line.*
- *Removal of the 50% building frontage requirement.*

Zoning Administrator's Notes:

The Planning Commission, in their Decision, only identified the build-to/setback issue to be resolved by the ZBA. The Applicant is requesting more than what was requested by the Planning Commission.

Is a variance from the parking setback even necessary?

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

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

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

- a. The need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and not due to applicant's personal or economic hardship.
 - *The need for the variance is primarily due to the fact that the building was constructed in 1978 prior to the current structure build-to/setbacks being implemented.*

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

- b. That the need for the requested variance is not the result of actions of the property owner.
 - *According to the Planning Commission Findings, the building was constructed in 1978 prior to the current structure build-to/setbacks being implemented. So the need for a variance is not the result of actions by the current or former property owners.*

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

- c. That strict compliance with regulations governing area, setback, frontage, height, bulk, density, or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
 - *The Applicants are proposing a 353 square foot addition to accommodate a new enclosed stairway on the existing building.*
 - *The ZBA could find that requiring the addition to be constructed to the build-to/setback line could be considered unnecessarily burdensome.*

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

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

substantial relief to the property owner and be more consistent with justice to the other property owners.

- *To-date, the public comment received at the Planning Commission meetings has been supportive of the project,*
- *As of January 9, 2026, the Village has not received any written public comment on this request.*

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

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

- *To-date, the public comment received at the Planning Commission meetings has been supportive of the project,*
- *As of January 9, 2026, the Village has not received any written public comment on this request.*
- *There has been no evidence submitted to imply that granting this request would cause any adverse effect to property in the neighborhood.*

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

VIII. POSSIBLE ACTION ON DIMENSIONAL VARIANCE:

Motion to approve the above Findings of Fact on Standards for Dimensional Variances as amended.

Motion to (approve / approve with conditions / deny) the Application submitted by Inland Seas Education Association for Dimensional Variances as follows:

- *Variance from the building build-to/setback requirement along Dame Street from the 5-foot required maximum to 43.8' maximum, as shown on the Site Plan dated 11/20/2025, to allow for the construction of an approximate 353 square foot stairway addition at 101 E. Dame Street per the drawings dated 11/20/2025 prepared by Joswiak Consulting.*
- *Variance from the building frontage requirement along Dame Street to allow for the construction of an approximate 353 square foot stairway addition at 101 E. Dame Street per the drawings dated 11/20/2025 prepared by Joswiak Consulting.*

Subject to the following conditions: (if applicable)

EXHIBIT A

PLANNING COMMISSION SITE PLAN REVIEW REPORTS

- December 12, 2025 Planner Report

Note: The November 12, 2025 Planning Report, the complete Site Plan Review Application, Packets, and Minutes can be referenced on the Village Website: suttonsbayvillage.org in the “meetings” page.

Date: 12.12.2025
From: Sara Kopriva, AICP
To: Suttons Bay Planning Commission
Project: Inland Seas Campus Expansion



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

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

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

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

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

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

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

734.663.2622 ph
734.663.6759 fx

Petoskey Office
113 Howard Street
Petoskey, MI 49770

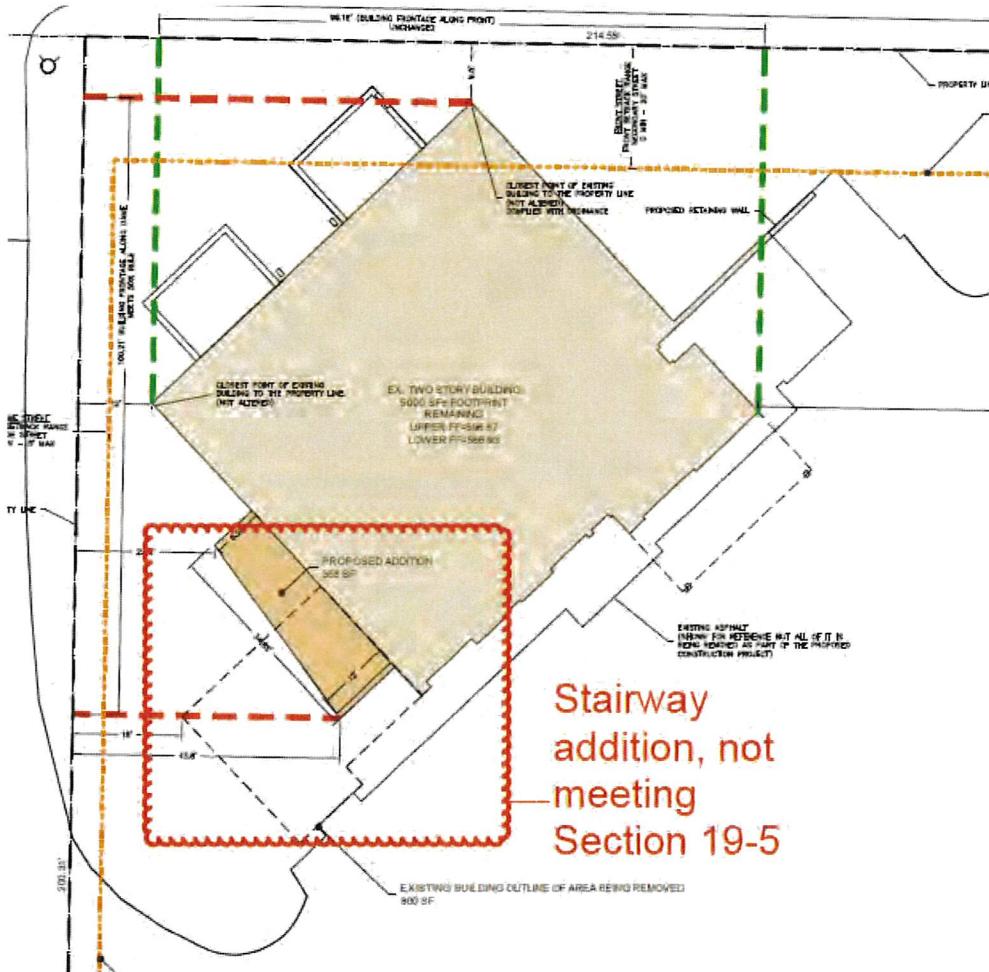
231.347.2523 ph
231.347.2524 fx

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

231.933.8400 ph
231.944.1709 fx

Grand Rapids Office
100 Cesar E. Chavez Ave
SW Suite 300
Grand Rapids, MI 49503

616.585.1295 ph



NON-CONFORMITY

The Zoning Ordinance defines a non-conforming structure as:

NONCONFORMING BUILDING, STRUCTURE means a structure or building lawfully constructed that does not conform to the requirements of the zoning district in which it is located and existed prior to the effective date of this ordinance.

- It has been determined that The Village of Suttons Bay Zoning Ordinance, as amended, was adopted in 2018.
- It has been determined that the structure does not conform to the requirements of the Central Business zoning district due to the angle in which it was constructed in 1978.
- It has been determined that the building was lawfully constructed in 1978, under the provisions of a now repealed zoning ordinance.

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

FINDINGS

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

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

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

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

Table 5-3 Spatial Requirements- Mixed Use Districts		
Zoning District	CB	NC
Minimum Depth (ft.)	120	100
Width (ft.)	25 min.	60 min.
Minimum Frontage	25	Ed
Front Setback	0 max. ¹	15 ft.
	Front/ Primary Street (ft.)	
	Front/ Secondary Street (ft.)	0 min., 5 max.
		10 ft.

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

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

2. Construct an outdoor, uncovered, unenclosed stairway (similar to what would be used to access a deck)
 3. Obtain a variance from the ZBA

The applicant is currently pursuing the option to go to the ZBA.

This application is being reviewed as:

- **Community Oriented Cultural Facility. Permitted by right (Site Plan Review) in CB District.** A public or non-profit facilities that provide educational and cultural experiences for the general public, examples of which include: aquariums, arboretums, art galleries, botanical gardens, libraries, museums, planetariums, civic centers and theaters predominantly used for live performances, and zoos. May also include accessory retail uses such as a gift/book shop, restaurant, etc.

 initiative

Existing Conditions of Subject Property

- **Zoning:** CB: Central Business.



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



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

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

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

Section 5-5

CB District Form Requirements- Commercial Buildings

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

G. Windows and Doors.

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

- b. Primary and Secondary Street Upper Levels. Minimum 20 percent.
- c. Secondary Street Ground Level. Minimum 35 percent.

3. Window Design.

- a. Ground floor window sills shall be at least two (2) feet above grade.
- b. Window shape openings and panes on upper stories shall be taller than they are wide or be divided into segments that are taller than they are wide.
- c. Windows should be proportionally distributed along second floor facades.



A. *Entrances.*

1. Recessed Entrance. Building entrances shall be recessed at least three (3) feet and at least one (1) main building entrance shall face a street. If recessed more than five (5) feet, a window display shall be provided between the doorway and the sidewalk. Angled entry walls are preferred to promote visibility of the entrance. Doorways shall not span more than one (1) story.
2. Identifiable Elements. A building entrance shall be clearly identifiable and reinforced by such architectural elements as awnings, pediments, pilasters, porte-cocheres, special paving, arches, changes in rooflines and planters.

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

Section 14-9 Standards for Plan Approval

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

A. *Standards.* The site plan must comply with all applicable requirements of this ordinance and all other applicable laws and regulations.

The current site plan does not meet the applicable requirements of the ordinance without approval from the Zoning Board of Appeals on the build-to setback for the South side of the building and new stairway addition. With a variance, this standard can be met.

B. *General Site Design.* The site should be designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

As proposed this standard has been met.

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

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

(i)
initiative

You will find the
applications and their
attachments in the
handout portion.