



VILLAGE OF SUTTONS BAY
ZONING BOARD OF APPEALS
MEETING MINUTES OF OCTOBER 19, 2022

The meeting was called to order at 5:33 p.m., by Vice-Chair Jelenik.

Present: Bahle, Jelinek, Perkins, Popke (arriving at 5: 43 p.m.), and Smith
Staff: Fay and Steve Patmore, Zoning Administrator
Guests: Marc O’Grady, Architect for Applicant

Approval of Minutes

Bahle moved, Jelinek seconded, CARRIED, to approve the February 16, 2022, Zoning Board of Appeal meeting minutes. Ayes: 4, No: 0.

Approval of Agenda

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

Chairperson Popke arrived at 5:43 p.m. and assumed responsibility of conducting the meeting.

Appeal Request

A variance for property located at 379 S. Shore Drive, Parcel ID# 043-828-036-00, located in the Single-Family Waterfront District has been requested by applicant Michael Sanocki. Specifically, the request is for a variance from the front yard setback from 25 feet to 7.5 feet; a 0.75 variance of the Lake Michigan Setback from 50.0 feet to 46.7 feet to construct an addition.

Zoning Administrator Patmore referred to the packet, and further acknowledged he was unable to find a definition of the Lake Michigan setbacks. Patmore and Marc O’Grady answered questions of the ZBA members.

The public hearing opened at 5:53 by Chairperson Popke. Popke acknowledged written public comments received from Angela and Alan Harris, and Jeremy Kane, relative to the variance request. Written public comments can be found in this meeting packet. Having heard no other public comments, the public hearing closed at 5:54 p.m.

The Zoning Board of Appeals considered the General Findings of Facts and determined all the General Findings of Facts to be true with the exception of:

- The request for variance from the front yard setback from 25 feet to 6.5 feet (not 7.5 feet)
- The request needs to reflect the eave lines, not edge of building.
- There is no definition in the ordinance for Lake Michigan setbacks.

The Zoning Board of Appeals considered the Findings the Facts on Standards for Dimensional Variances and determined:

- There *is* a unique circumstance associated with the property.
- This *is* a reasonable request. The request is not primarily for economic reasons.
- There *is not* another alternative available to the owner.
- The property owner *did* create the difficulty by prior actions. There was a garage on the property that was converted to living space.
- The request *does not* affect properties in the area and district.

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 Zoning Board of Appeals finds that the Application *does not* meet this standard. The subject parcel is similar to other properties in the district.

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

- The Zoning Board of Appeals finds that the Application *does not* meet this standard.

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 Zoning Board of Appeals finds that the Application *does not* meet this standard. The property is usable as a single-family residence.

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 Zoning Board of Appeals finds that the Application *does* meet this standard.

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 Zoning Board of Appeals finds that the Application *does* meet this standard.

Bahle moved, Smith seconded, CARRIED to approve the General Findings as Facts as determined. Ayes: 5, No: 0.

Bahle moved, Smith seconded, CARRIED, to approve the Findings of Fact on Standards for Dimensional Variances as determined. Ayes: 5, No: 0.

Bahle moved, Smith seconded, CARRIED, to deny the Application submitted by Michael Sanocki for dimensional variances of the Front Yard, Side Yard, and Lake Michigan Setbacks for 379 S. Shore Drive, Suttons Bay, (Property No. 45-043-828-036-00) as shown on the Site Plans dated 8/11/2022. This decision is based upon the Application, Site Plans dated 8/11/2022, General Findings of Fact, Findings of Fact on Standards for Dimensional Variances, and public comment. Ayes: 5, No: 0.

The meeting adjourned at 6:45 p.m.

Meeting minutes submitted by Shar Fay, Clerk.