



**VILLAGE OF SUTTONS BAY
ZONING BOARD OF APPEALS**
Wednesday, August 19, 2020 at 5:30 PM
VIA REMOTE ACCESS
Suttons Bay Village Hall
420 N. Front Street
Suttons Bay, MI 49682

AGENDA

1. Call to Order
2. Roll Call and Notation of Quorum
3. Approval of Agenda
4. Approval of Past Meeting Minutes (January 15, 2020)
5. Public Comment/Written Communications (concerning items not on the Agenda)
6. Review for Member Conflict of Interest
7. New Business
 - a. Public Hearing – Variance request 3-19 Bahle
 - b. Public Hearing – Variance Request 1-20 Stradinger- **Withdrawn**
 - c. Public Hearing - Variance Request 2-20 Newton Firestone
8. Adjournment



Topic: Suttons Bay Village Zoning Board of Appeals
Time: Aug 19, 2020 05:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/88658435386?pwd=RTZrUWJlPQ3MzbFF2bjBEWGlYaDcyQT09>

Meeting ID: 886 5843 5386

Passcode: 336936

One tap mobile

+19294362866,,88658435386#,,,,,0#,,336936# US (New York)

+13017158592,,88658435386#,,,,,0#,,336936# US (Germantown)

Dial by your location

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 886 5843 5386

Passcode: 336936

Find your local number: <https://us02web.zoom.us/j/88658435386?pwd=RTZrUWJlPQ3MzbFF2bjBEWGlYaDcyQT09>



VILLAGE OF SUTTONS BAY
ZONING BOARD OF APPEALS
Meeting Minutes of January 15, 2020

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

Present: Karl Bahle, Bill Perkins, and Donna Popke
Absent: Marty Jelenik and Frank Smith
Staff Present: Leslie Couturier
Guests: 3

Approval of Agenda

Perkins moved, Bahle seconded, CARRIED, to approve the Agenda as amended, moving Agenda Item 7b. Election of Officers to 7a., and Agenda Item 7a. Public Hearing to 7b. Ayes: 3, No: 0.

Approval of Minutes

Bahle moved, Perkins seconded, CARRIED, to approve the June 19, 2019, Zoning Board of Appeal meeting minutes submitted by Fay. The meeting minutes can be found in this meeting packet. Ayes: 3, No: 0.

Public Comment/Written Communications

Written communication received from EGLE made part of the meeting packet.

Review for Member Conflict of Interest

Karl Bahle recused himself due to a conflict of interest regarding Appeal Request 3-19. Due to a lack of voting quorum, the matter will be republished and rescheduled.

New Business

Election of Officers: Chair, Vice Chair, Secretary

Perkins moved, Bahle seconded, CARRIED, to appoint Donna Popke as Chair, Marty Jelenik as Vice Chair and Frank Smith as Secretary. Ayes: 3, No: 0.

2020 Meeting Dates and Times

Bahle moved, Perkins seconded, CARRIED, to approve the 2020 meetings dates and times as presented in this meeting packet. Ayes: 3, No: 0.

The meeting adjourned at 5:46 p.m.

Meeting minutes submitted by Leslie Couturier, Zoning Administrator.



Zoning@suttonsbayvillage.org

231-271-3051

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 regarding a variance request for a fence erected without a land use permit and placed too close to the property line. The public hearing is scheduled for Wednesday, August 19, 2020, at 5:30 p.m. at 420 N. Front Street, Suttons Bay, MI 49682. The meeting will be held via remote access in accordance with the Governor's executive order. The meeting can be accessed via Zoom at <https://us02web.zoom.us/j/88658435386?pwd=RTZrUWJPQ3MzbFF2bjBEWVGJYaDcyQT09>

Meeting ID: 886 5843 5386 Passcode: 336936

Appeal Request 3-19; Bahle Enterprises Inc., owners, on a parcel of land commonly known as 210 N. St. Joseph Street, Suttons Bay; property identification number 45-043-768-136-00, Central Business (CB), Zoning District. The request is for a variance to allow a fence, constructed without a land use permit, and placed too close to the south side property line to remain. Specifically a variance from Section 2-21B.3.b which requires that fences shall not be erected within one (1) foot of any lot line. The applicant is requesting that the fence remain on the property line resulting in a zero (0') foot setback.

Information regarding this request and the Village Zoning Ordinance are available for public viewing at the Village Office located at 420 N. Front Street, Suttons Bay, Michigan, 49682, during regular business hours. Written comments will be received until the evening of the meeting.

Donna Popke, Chairman
Village of Suttons Bay
Zoning Board of Appeals

Leslie Couturier, MiCZA
Zoning Administrator
231-271-3051

VILLAGE OF SUTTONS BAY ~ OFFICE OF PLANNING & ZONING

420 N. Front Street, P O Box 395
Suttons Bay, MI 49682

Phone (231) 271-3051

Fax (231) 271-5904

ZONING BOARD OF APPEALS APPLICATION			
FEES:	VARIANCE:	\$250	Paid: <input checked="" type="checkbox"/> Check # <u>14360</u>
	NON-CONFORMING USE:	\$400	Paid: <input type="checkbox"/> Check # _____

Date Rec. 8/23/2019 Hearing Date 10/16/2019 ~~12/18/2019~~
Above is for office use only 1-15-2020 ~~3-18-2020~~
8-19-2020

IMPORTANT PLEASE READ THE FOLLOWING:

1. Appeal applications must be submitted in the name of the owner of the property. The owner may be represented by another person, such as, but not limited to; a builder, potential buyer, attorney, or architect.
2. Applications must be signed by the owner. If represented by an authorized agent, he/she must sign also.
3. To process your application, a survey drawn by a professional surveyor (SEE REQUIREMENTS FOR MAKING APPLICATION), must be submitted to the Office of Planning and Zoning *thirty (30) days prior* to the scheduled Appeals Board meeting at which you wish to appear. The Appeals Board meets on the third Wednesday of each month.
4. The owner is bound by the commitments, concessions and agreements made by their representative/authorized agent.

Owner(s) Name: Bahle Enterprises Inc Phone Number: (231) 271-5800

Address: 210 N St Joseph, POB 39, SB MI 49682

Email: rich@bahles.net

Authorized Agent's Name: Paul Bahle

Address: 2001C Phone Number: (231) 5835800

Email: rich@bahles.net

Property Identification Number (PIN): 45-043-768-136-00

Property Location (address if available): 210 N. St Joseph Ave

Type of Request _____

- Variance Special Land Use Denial Temporary Use Conditional Use
- Site Plan Review Denial Non-conforming Use Special Exception
- Interpretation Other – specify _____

Section of Ordinance Applicable (office use only) _____

If this request is for an appeal from determination by the Zoning Administrator, date of denial:

9/2/19

Have any previous applications regarding this property been submitted to the Board of Appeals?

Yes No If yes, what was the description of the prior request? _____

Is the subject property Unplatted Platted – If Platted, give name of Plat. Village of Sutherland

Describe the request being made with reasons that include the peculiar or unusual conditions which are present. Depict the hardship(s) which will result if the variance is not approved. (Please attach separate sheets if necessary):

Request for setback.
Continual trespass by adjacent land-
owner. Intervened both by letter and face-
to-face to cease and desist. He placed
plumbing on our land. He left debris and
open dangerous excavations during process.

Signature of Owner Jakub Puhle Date 9/16/19

Signature of Authorized Agent Jakub Puhle Date 9/16/19

~for office use only~ 1' variance from side lot line

A copy of the site plan and other pertinent information was sent to the following agencies for review and comment: CB ZONING DISTRICT

- Leelanau County Road Commission Leelanau County Soil/Erosion Department
- Leelanau County Fire Department Township Engineer
- Others _____

ACTION TAKEN: Approved Approved w/ conditions Denied

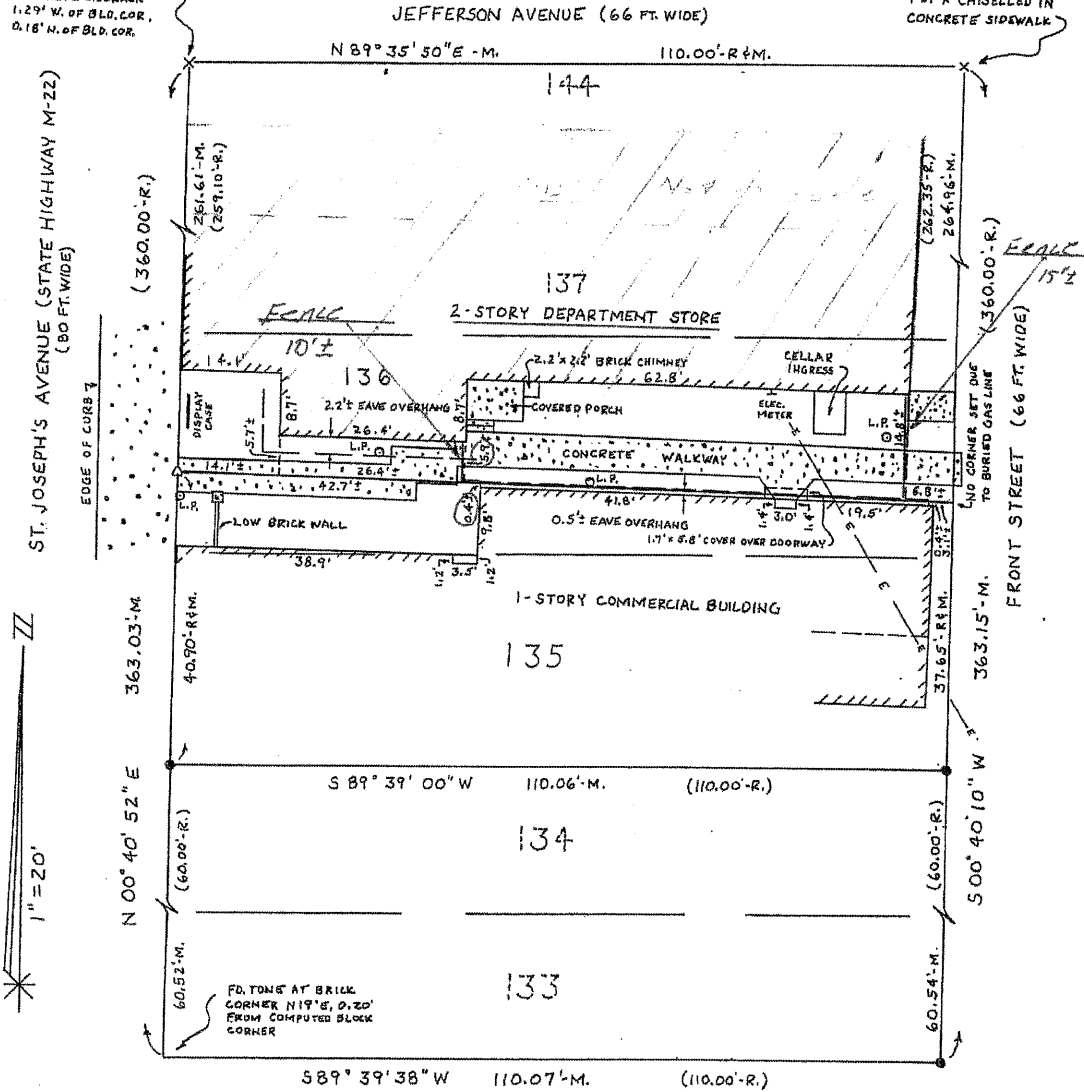
Note: APPROVALS BY THE BOARD OF APPEALS ARE VOID UNLESS THE CONSTRUCTION AUTHORIZED BY SUCH A VARIANCE HAS RECEIVED A LAND USE PERMIT WITHIN ONE YEAR.

CERTIFICATE OF SURVEY

LOCATION OF PROPERTY LINE PER WARRANTY DEED RECORDED IN LIBER 71, PAGE 646, FOR THE DIVISION OF LOT 136, BLOCK 8, VILLAGE OF SUTTONSBURGH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 1 OF MISCELLANEOUS RECORDS BETWEEN PAGES 436 AND 437, SECTION 28, TOWN 30 NORTH, RANGE 11 WEST, VILLAGE OF SUTTONS BAY, LEEANAU COUNTY, MICHIGAN.

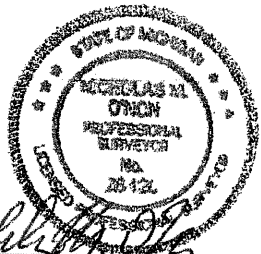
FD, 'X' CHISELLED IN CONCRETE SIDEWALK
1.29' W. OF BLD. COR.,
0.18' N. OF BLD. COR.

FD, 'X' CHISELLED IN CONCRETE SIDEWALK



LEGEND

- = FD. IRON STAKE
- X = 'X' IN CONCRETE
- = SET 1/2" REBAR + CAP
- △ = SET MAG NAIL
- M. = MEASURED
- R. = RECORD
- L.P. = LAMP POST



I, NICHOLAS M. O'NION, REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPEED THE HEREIN DESCRIBED PARCEL(S) OF LAND; THAT THE RATIO OF CLOSURE OF THE UNADJUSTED FIELD OBSERVATIONS IS NOTED AND WITHIN THE ACCEPTED LIMITS; AND THAT I HAVE FULLY COMPLIED WITH THE REGULATIONS OF ACT, 132, P.A. 1970.
RATIO OF CLOSURE: 1/110,000 +

NICHOLAS M. O'NION
R.L.S. #28420
105 BROADWAY
SUTTONS BAY, MI 49682
(231) 271-3255

SURVEYED FOR:
BAHLE PROPERTIES, INC.
210 ST. JOSEPH'S AVE.
SUTTONS BAY, MI 49682

DATE: DECEMBER 28, 2007

HEARING BASIS: N.M.O'NION BOUNDARY AND SITE

FILE NO.: 2007103-28583011

SURVEY FILE No. 96217-28583011, JAN 13, 1977.

Monday, February 24, 2020

Attn: Leslie Couturier

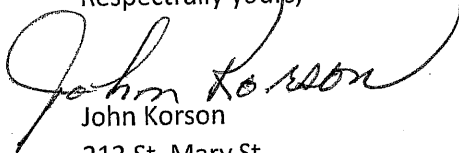
Zoning Administrator

RE: Appeal Request #3-19

I would like to go on record of not in favor of granting of zoning variance.

If somebody does not like the zoning regulations, then they have right to try & get the zoning changed for all parcels in Suttons Bay not just for a few residents.

Respectfully yours,

A handwritten signature in black ink that reads "John Korson". The signature is written in a cursive style with a large initial "J".

John Korson

212 St. Mary St.

Suttons Bay Mi 49682

I can be reached at: John Korson
9831 E. Jade Dr.
Suttons Bay Mi 49682
231-271-3303



MEMORANDUM

Date: November 15, 2019

To: Village of Suttons Bay Zoning Board of Appeals

File Number: Appeal Request 3-19

From: Leslie Couturier, Zoning Administrator

Re: Conditional Approval

In light of the information received from Brian Flickinger at Environment Great Lakes & Energy (EGLE), staff feels that the board, if approving the appeal, does have the option of placing a condition on the fence placement; that once the remediation is complete the fence will be removed or moved back one foot. Also if the variance is approved, with or without this condition, the applicant must apply for a land use permit. If not approved the applicant must remove the fence or apply for a land use permit to move it to the proper setback.

Attachments: Emails from EGEL

From: Flickinger, Brian (EGLE) <FLICKINGERB@michigan.gov>
Sent: Tuesday, October 15, 2019 9:12 AM
To: 'manager@suttonsbayvillage.org' <manager@suttonsbayvillage.org>; Erik Bahle <erik@bahles.net>
Subject: Bahle Fence

Village of Suttons Bay,

My name is Brian Flickinger and I am an incident manager specialist with the Department of Environment, Great Lakes, and Energy (EGLE) and the project manager of the old Wales Quality Cleaners (Wales) which sits adjacent to Bahle's of Suttons Bay.

Site assessment work has confirmed the presence of tetrachloroethylene, trichloroethylene, and petroleum compounds in soil and groundwater beneath the Wales property above drinking water protection criteria, surface water protection criteria, and soil volatilization to indoor air criteria. Additional work conducted by EGLE and Leelanau County Brownfield Authority has confirmed soil gas concentrations have migrated to the two commercial properties to the North and South of Wales.

EGLE has dedicated state remediation funds to address the issues at Wales and, as of last week, has begun conducting pilot testing to optimize remediation system design. Mr. Eric Bahle, owner of Bahle's of Suttons Bay store, has graciously provided access onto his property just north of Wales. Without his willingness to provide access, it would likely be impossible to adequately address the issues at the subject property.

Upon speaking to Mr. Bahle last week, it is my understanding that the fence and its location has come into question with the zoning board. EGLE respects that this type of zoning/permitting is a local matter. However, I did want to speak to EGLE's plan at the subject site. Once pilot testing is completed, EGLE will be installing a soil vapor extraction (SVE) system on the Bahle property to address the contaminated soils at Wales and thus reducing the groundwater contamination migrating towards the bay and removing the potential indoor air concerns at Bahle's of Suttons Bay and Bayside Gallery. The SVE system will consist of numerous pieces of equipment, piping and SVE wells. The current plan is to have a curtain of SVE wells just inches away from the Wales building. The SVE system will need to be protected from the public and access will need to be restricted and the currently installed fence successfully accomplishes this. If the zoning board decides the fence needs to be moved or removed entirely, please be aware it would be EGLE's intention to come to the zoning board and request permission to place another fence back in the existing fence's current location to facilitate our project.

I have attached EGLE's action plan for your review. You will find a detailed history of the Wales property, EGLE's budget, and proposed work schedule. If you have any questions or concerns, please feel free to contact me. Thank you for your consideration on this matter.

Brian Flickinger, PEM
Incident Management Specialist
Remediation and Redevelopment Division/Cadillac and Gaylord District Offices
Michigan Department of Environment, Great Lakes, and Energy
Office: 231-876-4456
Cell: 517-420-5886

Flickinger, Brian (EGLE) <FLICKINGERB@michigan.gov>

Fri 11/8/2019 12:26 PM

To:

Leslie Couturier;

Hi Leslie,

My contractor got back to me quicker than I expected. We will be working in that area for up to 3 years, could be less but worst case scenario 3 years. Have a great weekend.

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

“The concurring vote of a majority of the full membership of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance due to unnecessary hardships or practical difficulties.”

BOARD DECISION AND ORDER

The Board having considered the Application, a public hearing having been held on October 16, 2019 after giving due notice as required by law, the Board having heard the statements of the Applicant/Applicant’s attorney and agents, the Board having considered letters submitted by members of the public and several comments by members of the public, the Board having considered the following Findings of Fact and Exhibits as part of the record, and the Board having reached a decision on this matter, states as follows:

GENERAL FINDINGS OF FACT

1. The Board finds the property is currently zoned Central Business, CB
2. The Board finds that Section of the Zoning Ordinance requires that a Land Use Permit be obtained prior to the erection of a fence. Also that Section 2-21.3.b; No fence or wall shall be erected within one (1) foot of any lot line, abutting a street right-of-way line and shall not obstruct a clear vision area (Section 2-19). And c.; If one side of fence has a finished side, that side shall face adjacent properties, waters, or streets.
3. The Board finds that the Applicant desires to maintain the fence as positioned on the property line with a zero setback.
4. The Board finds that the proposed use is a permitted use by right in the CB district.

FINDINGS OF FACT UNDER SECTION 17-6.A - VARIANCES

1. *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.

The Zoning Board of Appeals finds that the proposed variance meets/does not meet all of the above, based on the following facts:

MOTION Based on the findings of fact, M/M:

Supported by:	
To:	
Vote: Ayes: ____	Nays: ____
Absent: ____	Abstained: ____
DATE	
Motion:	(approved/failed)

Zoning Board of Appeals Chairperson

TIME PERIOD FOR JUDICIAL REVIEW

MCLA 125.293a.(1) provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Zoning Board of Appeals to the Circuit Court. Pursuant to MCR 7.101 any appeal must be filed within twenty-one (21) days after this Decision and Order is adopted by the Zoning Board of Appeals.



VILLAGE OF SUTTONS BAY

420 N. Front Street, P.O. Box 395

Suttons Bay, Michigan 49682

Fax: (231) 271-5904

(231) 271-3051

suttonsbay@suttonsbayvillage.org

LETTER OF INFORMATION

June 7, 2019

Bahle Enterprises Inc.
PO BOX 39
Suttons Bay MI 49682

RE: Erection of a Fence without a Land Use Permit
Property #: 043-768-136-00/210 N. St. Josephs Street

Dear Mr. Bahle:

This letter is to inform you that the Zoning Department has found a violation of the Suttons Bay Village Ordinance on your parcel referenced above. Specifically; a fence was erected without a Land Use Permit and has been placed too close to the property line. I have enclosed the section of the Ordinance for your review.

I have also enclosed an application for a Land Use Permit, please complete and return to the Village Office as soon as possible. The fee for the permit is \$30. If you choose not to obtain a permit please remove the fence.

Often individuals are unaware of the regulations in the Village pertaining to fences and that is why I am informing you of this rather than issuing a violation notice. We would rather help you understand the ordinances at first and gain your cooperation while providing ample time to resolve the issue.

Thank you for your understanding and cooperation in this matter.

Sincerely,

Leslie Couturier, MICZA
Village of Suttons Bay, Zoning Department

Cc: Rob Larrea, Village Manager
File



VILLAGE OF SUTTONS BAY

420 N. Front Street, P.O. Box 395

Suttons Bay, Michigan 49682

Fax: (231) 271-5904

(231) 271-3051

suttonsbay@suttonsbayvillage.org

2ND LETTER OF INFORMATION

July 12, 2019

Bahle Enterprises Inc.
PO BOX 39
Suttons Bay MI 49682

RE: Erection of a Fence without a Land Use Permit
Property #: 043-768-136-00/210 N. St. Josephs Street

Dear Mr. Bahle:

A letter was sent to you on June 7, 2019 informing you of a violation on the property referenced above, as I have not heard from you a second letter is being sent.

Please contact the office of Planning & Zoning within seven (7) days to discuss this issue, please know that if we are not contacted a letter of violation will be sent and then a Municipal Civil Infraction ticket will be issued.

Often individuals are unaware of the regulations in the Village pertaining to fences and that is why I am informing you of this rather than issuing a violation notice. We would rather help you understand the ordinances at first and gain your cooperation while providing ample time to resolve the issue.

Thank you for your understanding and cooperation in this matter.

Sincerely,

Leslie Couturier, MiCZA
Village of Suttons Bay, Zoning Department

Cc: Rob Larrea, Village Manager
File



VILLAGE OF SUTTONS BAY

420 N. Front Street, P.O. Box 395
Suttons Bay, Michigan 49682
Fax: (231) 271-5904
(231) 271-3051
suttonsbay@suttonsbayvillage.org

LETTER OF VIOLATION

August 2, 2019

Bahle Enterprises Inc.
PO BOX 39
Suttons Bay MI 49682

RE: Erection of a Fence without a Land Use Permit
Property #: 043-768-136-00/210 N. St. Josephs Street

Dear Mr. Bahle:

A letter was sent to you on June 7, 2019, and again on July 12, 2019 informing you of a violation on the property referenced above, as I have not heard from you a letter of violation is being sent. Please fill out the enclosed permit application and submit to the Village Office. Also, the ordinance requires that the fence be located 12" off of the property line, thus it must be moved.

This must take place no later than Monday August 12, 2019, and please know that if you fail to move the fence and obtain a permit a Municipal Civil Infraction ticket will be issued.

Thank you for your understanding and cooperation in this matter.

Sincerely,

Leslie Couturier, MICZA
Village of Suttons Bay, Zoning Department

Enc. (1)

Cc: Rob Larrea, Village Manager
File



VILLAGE OF SUTTONS BAY

420 N. Front Street, P.O. Box 395
Suttons Bay, Michigan 49682
Fax: (231) 271-5904
(231) 271-3051
suttonsbay@suttonsbayvillage.org


CERTIFICATION OF MAILING & LEGAL NOTICE PUBLICATION ZBA

Parcel ID and Name: 768-136-00/Bahle

Posted on Village Bulletin Board: 8/14/2020

Date of Mailing: 7/31/2020

Date of legal notice publication: 8/6/2020

Signature: 
Leslie Couturier, Zoning Administrator



BAHLE ENTERPRISES INC
PO BOX 39
SUTTONS BAY, MI, 49682-0039

GERCHAK DAVID & LINA
1565 BLASAM WAY
MILFORD, MI, 48381

MURDICK DALE J & MICHELLE ...
PO BOX 687
SUTTONS BAY, MI, 49682

VILLAGE OF SUTTONS BAY
PO BOX 395
SUTTONS BAY, MI, 49682

CARDONA ROBERT J & KRISTI...
224 N ST MARYS ST
SUTTONS BAY, MI, 49682

DRUMM MEL & ELIZABETH
21093 CHASE DR
NOVI, MI, 48375

FIFTH THIRD BANK
38 FOUNTAIN SQUARE PLAZA
CINCINNATI, OH, 45263

VIRGIN FISH LLC
PO BOX 432
SUTTONS BAY, MI, 49682

VILLAGE OF SUTTONS BAY
PO BOX 395
SUTTONS BAY, MI, 49682

VILLAGE OF SUTTONS BAY
PO BOX 395
SUTTONS BAY, MI, 49682

ANDERSON MARY LOUISE TRU...
1828 TALL OAKS DR E
LUDINGTON, MI, 49431-9585

HARRISON PROPERTIES NORT...
PO BOX 849
SUTTONS BAY, MI, 49682

WINE COUNTRY MARKET PLACE
12283 S WEST BAY SHORE DR
SUTTONS BAY MI 49382

VILLAGE INN PROPERTIES INC
PO BOX 459
SUTTONS BAY, MI, 49682

HABITAT FOR HUMANITY GT RE...
1129 WOODMERE AVE STE F
TRAVERSE CITY, MI, 49684

9 BEAN ROWS LLC
5441 N OVERLOOK RD
NORTHPORT, MI, 49670

LAMMLY DIANE
PO BOX 362
SUTTONS BAY, MI, 49682

VILLAGE OF SUTTONS BAY
PO BOX 395
SUTTONS BAY, MI, 49682

EDWARDS PROPERTIES LLC
PO BOX 489
SUTTONS BAY, MI, 49682

BAY THEATRE INC
P O BOX 160
SUTTONS BAY, MI, 49682-0160

SUTTONS BAY MARKET PLACE LLC
3945 S WEST BAY SHORE DE
SUTTONS BAY MI 49682

STARLING PROPERTIES LLC
411 WALNUT ST 10790
GREEN COVE SPRINGS, FL, 32...

KORSON JOHN A
9831 E JADE DR
SUTTONS BAY, MI, 49682

LUNDQUIST KARL F TRUST
PO BOX 952
SUTTONS BAY, MI, 49682

BAHLE ENTERPRISES INC
PO BOX 39
SUTTONS BAY, MI, 49682-0039

MICHIGAMA WESTERN TELEPH...
PO BOX 658
PINCONNING, MI, 48650-0658

PENNING DAN A
PO BOX 490
SUTTONS BAY, MI, 49682

101 DAME LLC
1701 S AIRPORT RD W
TRAVERSE CITY, MI, 49686

VANDYKE DANIEL & BARBARA
3791 SHAFFER AVE SE
GRAND RAPIDS, MI, 49512

BAHLE ENTERPRISES INC
PO BOX 39
SUTTONS BAY, MI, 49682-0039

JUNTUNEN MICHAEL & BARBA...
PO BOX 444
SUTTONS BAY, MI, 49682

SUTTONS BAY MARKETPLACE ...
13300 S WEST-BAY SHORE DR
TRAVERSE CITY, MI, 49684

DOIG EARL C & CLARA B TRUS...
30697 GRANDSON
LIVONIA, MI, 48150

COOKMAN RICHARD G TRUST
2939 S CENTER HWY
SUTTONS BAY, MI, 49682

EVANS ANNETTE E TRUST
2340 S MISSION VIEW
SUTTONS BAY, MI, 49682

HYLWA RICHARD & KATHRYN V...
PO BOX 65
SUTTONS BAY, MI, 49682

TWO PEAS LLC
1238 S GARFIELD AVE
STE A
TRAVERSE CITY MI 49686

GOTTSCHALK GARY L TRUST ...
PO BOX 336
SUTTONS BAY, MI, 49682

BAY THEATRE
PO BOX 39
SUTTONS BAY MI 49682

VILLAGE OF SUTTONS BAY
PO BOX 395
SUTTONS BAY, MI, 49682

INGERALD LLC
3355 KIRKRIDGE DR
WILLIAMSBURG, MI, 49690

NEWTON FIRESTONE TRUST
4129 ELLWOOD AVE
BERKLEY, MI, 48072

SUTTONS BAY MARKETPLACE ...
3945 S WEST-BAY SHORE DR
SUTTONS BAY, MI, 49682

301 ST JOSEPH SUTTONS BAY ...
PO BOX 361
SUTTONS BAY, MI, 49682

EDWARDS PROPERTIES LLC
PO BOX 489
SUTTONS BAY, MI, 49682-0489

LEBOUTILLIER FORD
9036 SELBORNE LN
PALMETTO, GA, 90268

CCC ENTERPRISES LLC
P O BOX 488
SUTTONS BAY, MI, 49682

BAHLE ENTERPRISES INC
PO BOX 39
SUTTONS BAY, MI, 49682-0039

SOMMERS AT SUTTONS BAY LL...
6333 ALMOND LN
CLARKSTON, MI, 48346



Zoning@suttonsbayvillage.org

231-271-3051

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 regarding a variance request to construct a covered porch located closer to property lines than the required setbacks. The public hearing is scheduled for Wednesday, August 19, 2020, at 5:30 p.m. at 420 N. Front Street, Suttons Bay, MI 49682. The meeting will be held via remote access in accordance with the Governor's executive order. The meeting can be accessed via Zoom at

<https://us02web.zoom.us/j/88658435386?pwd=RTZrUWJPQ3MzbFF2bjBEWGJYaDcyQT09>

Meeting ID: 886 5843 5386 Passcode: 336936

Appeal Request 2-20; Michelle Newton & Susan Firestone, owners, on a parcel of land commonly known as 210 N. St. Mary's Street, Suttons Bay; property identification number 45-043-776-088-00, Central Residential (CR), Zoning District. The request is for a variance to construct a covered porch. Specifically a variance from Section 4.3 Spatial Requirements which requires that covered porches be built a minimum of 15' from the road. The applicant is requesting a 5'-8" front yard variance (resulting in a 9.2' setback from St. Mary's Street)

Information regarding this request and the Village Zoning Ordinance are available for public viewing at the Village Office located at 420 N. Front Street, Suttons Bay, Michigan, 49682, during regular business hours. Written comments will be received until the evening of the meeting.

Donna Popke, Chairman
Village of Suttons Bay
Zoning Board of Appeals

Leslie Couturier, MiCZA
Zoning Administrator
231-271-3051

**VILLAGE OF SUTTONS BAY
ZONING BOARD OF APPEALS
APPEAL REQUEST 2-20 NEWTON/FIRESTONE**

“The concurring vote of a majority of the full membership of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance due to unnecessary hardships or practical difficulties.”

BOARD DECISION AND ORDER

The Board having considered the Application, a public hearing having been held on October 16, 2019 after giving due notice as required by law, the Board having heard the statements of the Applicant/Applicant’s attorney and agents, the Board having considered letters submitted by members of the public and several comments by members of the public, the Board having considered the following Findings of Fact and Exhibits as part of the record, and the Board having reached a decision on this matter, states as follows:

GENERAL FINDINGS OF FACT

1. The Board finds the property is currently zoned Central Residential, CR
2. The Board finds that per Section 4-3, Spatial Requirements, the front setback must be a minimum of 15’ and the maximum setback is 25’
3. The Board finds that the Applicant desires to construct a covered porch with a request for a 5’-8” front yard variance, resulting in a 9’-2” setback.
4. The Board finds that the proposed use is a permitted use by right in the CR district.

FINDINGS OF FACT UNDER SECTION 17-6.A - VARIANCES

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

- 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. MET
- 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. MET
- 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. MET

The Zoning Board of Appeals finds that the proposed variance meets all of the above, based on the following facts: Due to the size of the lot the property owners need relief from the setback to add a covered porch. Covered porches are found frequently in the surrounding neighborhood and the owners of the subject parcel should be allowed to enjoy the same.

MOTION Based on the findings of fact, M/M: *A motion by _____ to approve the request as submitted, subject to the findings of fact as presented.*

Supported by:

To: _____

Vote: Ayes: ____ Nays: ____ absent: ____ Abstained: ____

DATE _____

Motion: _____ (approved/failed)

Zoning Board of Appeals Chairperson

TIME PERIOD FOR JUDICIAL REVIEW

MCLA 125.293a. (1) Provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Zoning Board of Appeals to the Circuit Court. Pursuant to MCR 7.101 any appeal must be filed within twenty-one (21) days after this Decision and Order is adopted by the Zoning Board of Appeals.



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

Appeal 2-2020

ZONING BOARD OF APPEALS APPLICATION

FEES: VARIANCE: \$500 Paid: [checked] Check # 15320
NON-CONFORMING USE: \$500 Paid: [] Check # []

Date Rec. 7 / 10 / 2020 Hearing Date 8 / 19 / 2020
Above is for office use only

IMPORTANT PLEASE READ THE FOLLOWING:

- 1. Appeal applications must be submitted in the name of the owner of the property. The owner may be represented by another person, such as, but not limited to; a builder, potential buyer, attorney, or architect.
2. Applications must be signed by the owner. If represented by an authorized agent, he/she must sign also.
3. To process your application, a survey drawn by a professional surveyor (SEE REQUIREMENTS FOR MAKING APPLICATION), must be submitted to the Office of Planning and Zoning thirty (30) days prior to the scheduled Appeals Board meeting at which you wish to appear. The Appeals Board meets on the third Wednesday of each month.
4. The owner is bound by the commitments, concessions and agreements made by their representative/authorized agent.

Owner(s) Name: Michelle Newton, Susan Firestone Phone Number: (248) 330 - 0425

Address: 210 N. St. Mary's St Suttons Bay

Email: Mnewton@htohh.com

Authorized Agent's Name: Dale Boone

Address: P.O. Box 308 Suttons Bay Phone Number: (231) 883 - 3950

Email: DKBooneConstruct@gmail.com

Property Identification Number (PIN): 45-043-766-088-00

Property Location (address if available): 210 N. St Marys St

Type of Request front porch set back from road

- [checked] Variance [] Special Land Use Denial [] Temporary Use [] Conditional Use
[] Site Plan Review Denial [] Non-conforming Use [] Special Exception
[] Interpretation [] Other - specify

CR

Section of Ordinance Applicable (office use only) SECTION 4-2 Special Requirements

If this request is for an appeal from determination by the Zoning Administrator, date of denial: / /

Have any previous applications regarding this property been submitted to the Board of Appeals?

Yes No If yes, what was the description of the prior request? _____

Is the subject property Unplatted Platted – If Platted, give name of Plat. _____

Describe the request being made with reasons that include the peculiar or unusual conditions which are present. Depict the hardship(s) which will result if the variance is not approved. (Please attach separate sheets if necessary):

- PROTECT & RAISE GRADE TO PROTECT HOME FROM WATER DRAIN.
- KEEPS WITH REST OF STREET WITH PORCHES, NEXT DOOR NEIGHBOR 4 FT FROM SIDEWALK AS MANY OTHERS ON OUR STREET.

Signature of Owner Mabelle Neut Date 7/10/2020

Signature of Authorized Agent Eden Boone Date 7/10/2020

~for office use only~

A copy of the site plan and other pertinent information was sent to the following agencies for review and comment:

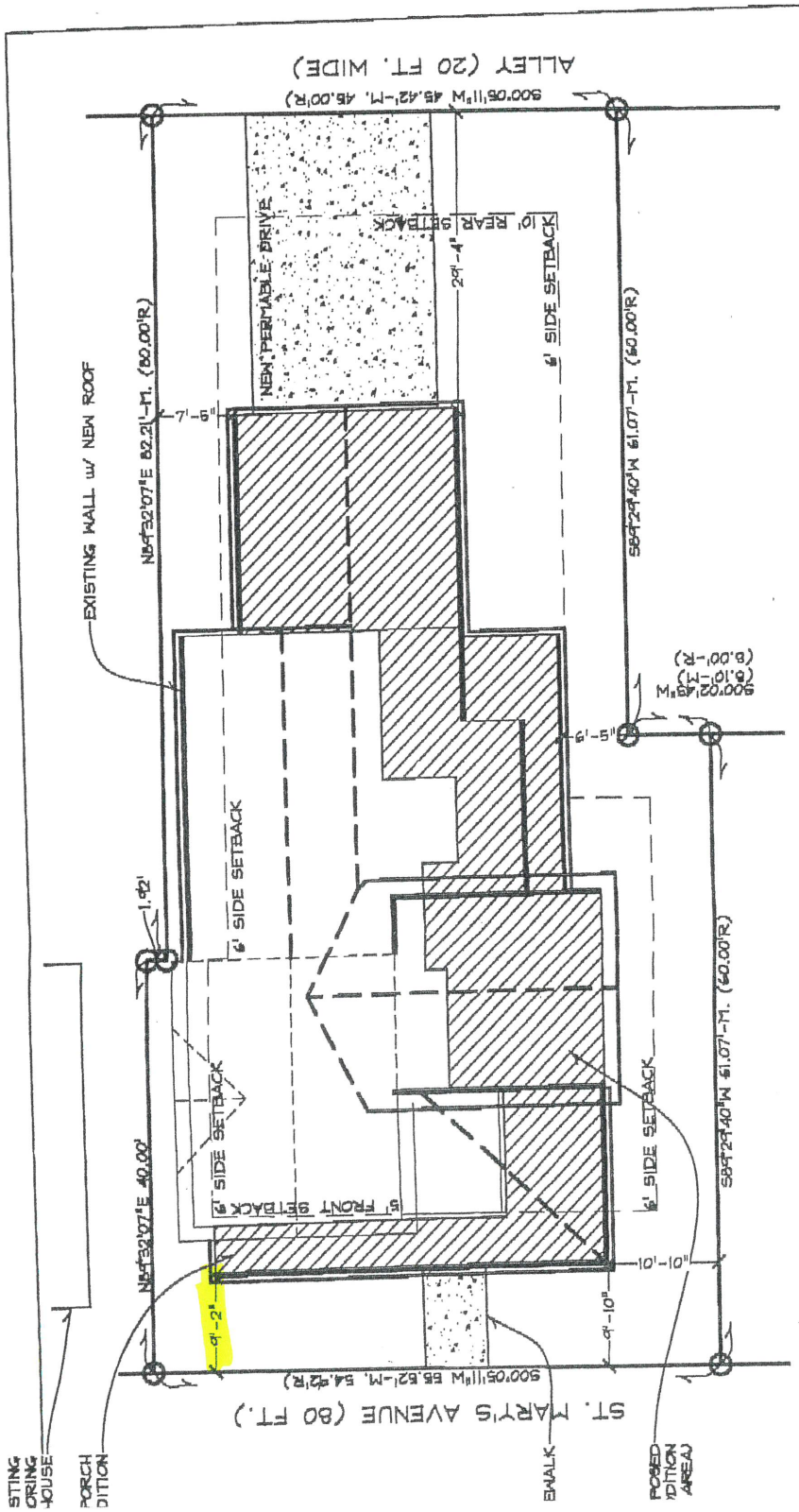
Leelanau County Road Commission Leelanau County Soil/Erosion Department

Leelanau County Fire Department Township Engineer

Others _____

ACTION TAKEN: Approved Approved w/ conditions Denied

Note: APPROVALS BY THE BOARD OF APPEALS ARE VOID UNLESS THE CONSTRUCTION AUTHORIZED BY SUCH A VARIANCE HAS RECEIVED A LAND USE PERMIT WITHIN ONE YEAR.



SITE PLAN

0 20 40

SCALE: 1"=10'-0"

PROPERTY DESCRIPTION:
 LOT 88 AND PART OF LOTS 87 AND 84, BLOCK 6 ACCORDING TO THE PLAT OF PLEASANT CITY OR SUTTONBURGH AS RECORDED IN LIBER 1 OF MISCELLANEOUS RECORDS BETWEEN PAGES 486 AND 487, SECTION 28, TOWN 30 NORTH, RANGE 11 WEST, VILLAGE OF SUTTONS BAY, LEECLANAU COUNTY, MICHIGAN.

PROPOSED SITE AREA CALCULATIONS:

TOTAL AREA OF LOT: 6,129 sq. ft.
 PROPOSED BUILDING AREA COVERAGE ON LOT: 2434 sq. ft.
 39.8% OF TOTAL LOT AREA IS COVERED
 PROPOSED IMPERVIOUS AREA COVERAGE ON LOT: 3,063 sq. ft.
 50.0% OF TOTAL LOT AREA IS COVERED



VILLAGE OF SUTTONS BAY

420 N. Front Street, P.O. Box 395
Suttons Bay, Michigan 49682
Fax: (231) 271-5904
(231) 271-3051
suttonsbay@suttonsbayvillage.org

CERTIFICATION OF MAILING & LEGAL NOTICE PUBLICATION

ZBA

Parcel ID and Name: 766-088-00/Newton, Firestone

Posted on Village Bulletin Board: 8/14/2020

Date of Mailing: 7/31/2020

Date of legal notice publication: 8/6/2020

Signature: Leslie Couturier
Leslie Couturier, Zoning Administrator

APPEAL REQUEST 2-2020
043-766-088-00
NEWTON/FIRESTONE



CALHOUN TRUST
PO BOX 31
SUTTONS BAY, MI, 49682

SUTTONS BAY MARKETPLACE ...
3945 S WEST-BAY SHORE DR
SUTTONS BAY, MI, 49682

, , 0

MARTINSON ROBERT A & KUMI...
PO BOX 159
SUTTONS BAY, MI, 49682

FIFTH THIRD BANK 38
FOUNTAIN SQUARE PLAZ A...
CINCINNATI, OH, 45263

COOKMAN RICHARD G TRUST
2939 S CENTER HWY
SUTTONS BAY, MI, 49682

AJ RENTALS
PO BOX 217
SUTTONS BAY, MI, 49682

FIRST CONGREGATIONAL CHU...
PO BOX 70
SUTTONS BAY, MI, 49682

LIVINGSTON EVELYN E TRUST
PO BOX 193
SUTTONS BAY, MI, 49682

TWO PEAS LLC
1238 S GARFIELD AVE
TRAVERSE CITY, MI, 49686
CCC ENTERPRISES LLC
PO BOX 488
SUTTONS BAY, MI, 49682

EDWARDS PROPERTIES LLC
PO BOX 489
SUTTONS BAY, MI, 49682

VILLAGE INN PROPERTIES INC
PO BOX 459
SUTTONS BAY, MI, 49682

PEPLINSKI ANGELA C
PO BOX 3577
NORTH BRANCH, MI, 48461

BAHLE ENTERPRISES INC
PO BOX 39
SUTTONS BAY, MI, 49682

DORMAN CATHERINE A
PO BOX 634
SUTTONS BAY, MI, 49682

WINE COUNTRY MARKETPLAC...
3945 S WEST-BAY SHORE DR
SUTTONS BAY, MI, 49682

EDWARDS PROPERTIES LLC
PO BOX 489
SUTTONS BAY, MI, 49682

BOSS DANIEL L & SUE M
PO BOX 485
SUTTONS BAY, MI, 49682

HYLWA RICHARD & KATHRYN
V... PO BOX 65
SUTTONS BAY, MI, 49682
CRANDELL BERNARD JR &
LUC...
PO BOX 501
SUTTONS BAY, MI, 49682

PRIEST ANN MARIE
PO BOX 212
SUTTONS BAY, MI, 49682

BAHLE ENTERPRISES INC
PO BOX 39
SUTTONS BAY, MI, 49682

WIERZBA NICHOLAS & KASEY
PO BOX 496
SUTTONS BAY, MI, 49682

SUTTONS BAY MARKETPLACE ...
3945 S WEST-BAY SHORE DR
SUTTONS BAY, MI, 49682

VILLAGE OF SUTTONS BAY
PO BOX 395
SUTTONS BAY, MI, 49682

ERICKSON PAULA S
815 CALVIN DR
TRAVERSE CITY, MI, 49686

KORSON JOHN A
9831 E JADE DR
SUTTONS BAY, MI, 49682

BAY COMMUNITY THEATRE OR...
214 N ST JOSEPH ST
SUTTONS BAY, MI, 49682

HARRISON PROPERTIES NORT...
PO BOX 849
SUTTONS BAY, MI, 49682

KOHLER ALBERT J & ROSE AN...
PO BOX 143
SUTTONS BAY, MI, 49682

NEWTON FIRESTONE TRUST
PO BOX 968
SUTTONS BAY, MI, 49682

LIVINGSTON WAYNE J & SHAR...
1258 S PECK RD
SUTTONS BAY, MI, 49682

INGERALD LLC
PO BOX 7047
TRAVERSE CITY, MI, 49685

HABITAT FOR HUMANITY GT RE...
PO BOX 5412
TRAVERSE CITY, MI, 49696

DOIG EARL C & CLARA B TRUS...
30697 GRANDSON
LIVONIA, MI, 48150

CARDONA ROBERT J & KRISTI...
3441 RAY
OXFORD, MI, 48570

SUTTONS BAY MARKETPLACE ...
3945 S WEST-BAY SHORE DR
SUTTONS BAY, MI, 49682

FIRST CONGREGATIONAL CHU...
PO BOX 70
SUTTONS BAY, MI, 49682

SUTTONS BAY VILLAGE HOUSE...
1676 PINNATE CT
ROCHESTER, MI, 48306

MURDICK DALE J & MICHELLE ...
8701 E HOXIE RD
CEDAR, MI, 49621

BAHLE ENTERPRISES INC
PO BOX 39
SUTTONS BAY, MI, 49682