



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

Wednesday, October 19, 2022 5:30 PM
Suttons Bay Village Hall
420 N. Front Street
Suttons Bay, MI 49682

AGENDA

For the public wishing to view the meeting using remote attendance, there will also be a Zoom link (which can be found on our website at www.suttonsbayvillage.org). Public participation shall be limited to in-person or via written communication received prior to the meeting.

1. Call to Order
2. Roll Call and Notation of Quorum
3. Approval of Past Meeting Minutes (02/16/2022)
4. Public Comment/Written Communications (concerning items not on the agenda)
5. Review for Member Conflict of Interest
6. Approval of Agenda
7. New Business
 - a. **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. Specifically the request is for a variance from the front yard setback from 25 feet to 7.5 feet; a 0.75 variance from the side yard setback from 15 feet to 14.25 feet; and a 3.3 variance of the Lake Michigan Setback from 50.0 feet to 46.7 feet to construct an addition.
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
420 N FRONT ST
SUTTONS BAY, MI 49682
MEETING MINUTES OF February 16, 2022

The meeting was called to order at 5:31 p.m. by Chairperson Popke

Present: Karl Bahle, Marty Jelenik, Bill Perkins and Donna Popke
Absent: Frank Smith

One guest was in attendance via ZOOM.

Staff Present: Petroskey and Couturier, Zoning Administrator

Approval of Past Meeting Minutes (11/18/2020)

Perkins moved, Bahle seconded, CARRIED, to approve the November 18, 2020, Zoning Board of Appeals, **minutes** with an affirmative unanimous vote. Ayes: 4, No: 0.

Approval of Agenda

Perkins moved, Jelenik seconded, CARRIED, to approve the agenda as presented, with an affirmative unanimous vote. Ayes: 4, No: 0.

New Business

a. Review and Approval of 2022 Meeting Dates and Times.

Bahle moved, Perkins seconded, CARRIED, to approve the 2022 Meeting Dates and Times as presented, with an affirmative unanimous vote. Ayes: 4, No: 0.

b. Election of Officers; Chairperson, Vice-Chairperson, and Secretary.

Bahle moved, Perkins seconded, CARRIED to maintain the current slate of officers, with an affirmative unanimous vote. Ayes: 4, No: 0.

The meeting was adjourned by Chairperson Popke at 5:36 p.m.

Meeting minutes submitted by Leslie Couturier, Zoning Administrator.

Dorothy

From: suttonsbay@suttonsbayvillage.org
Sent: Tuesday, October 11, 2022 1:29 PM
To: Dorothy Petroskey
Subject: FW: Comments for Oct 19 Zoning Bd of Appeals

Dorothy,

For the ZBA meeting. Thanks.

Shar Fay
Village Clerk
Village of Suttons Bay
420 N Front St
P O Box 395
Suttons Bay, MI 49682
231.271.3051

-----Original Message-----

From: Angela Harris <alangela@comcast.net>
Sent: Tuesday, October 11, 2022 1:09 PM
To: Village of Suttons Bay <suttonsbay@suttonsbayvillage.org>
Subject: Comments for Oct 19 Zoning Bd of Appeals

We are the owners of 387 S. Shore Dr, immediately adjacent to the garage addition proposed for 379 S. Shore.

We support Michael Sanocki's variance request for his property.

Angela & Alan Harris

22A Oct 19

suttonsbay@suttonsbayvillage.org

From: Jeremy Kane <JKane@galapagosmarketing.com>
Sent: Thursday, September 29, 2022 2:10 PM
To: suttonsbay@suttonsbayvillage.org
Subject: re: Variance request for 379 SOutH Shore Drive

Good afternoon:

I will not be able to attend the hearing scheduled for October 19th. From the site plan you sent, it appears that the new structure will be no closer to the road than the existing house structure on the parcel. If this is the case, then I have no objection. However, if there is an architectural rendering that is more illustrative of the impact, dimensions and positioning of the proposed garage/extension, I would like to see it so as to confirm I have no objections to its placement. Good that be provided prior to October 6th?

Thank you.

Jeremy

—

JEREMY KANE
Managing Partner

GALAPAGOS
Adapt. Evolve. Thrive.

38 Fulton St. W., Ste 312
Grand Rapids, MI 49503
P 616.608.7359 | M 616.915.7274
GALAPAGOSMARKETING.COM



300 FOOT 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 garage to be built at 379 S Shore Drive, Suttons Bay, Parcel ID# 043-828-036-00. The public hearing is scheduled for Wednesday, October 19th, at 5:30 p.m., at 420 N. Front Street, Suttons Bay, MI 49682.

Appeal Request: The applicant, Michael Sanocki, is seeking a variance for property located at 379 S. Shore Drive, Parcel ID# 043-828-036-00, located in the Single-Family Waterfront District. Specifically the request is for a variance from the front yard setback from 25 feet to 7.5 feet; a 0.75 variance from the side yard setback from 15 feet to 14.25 feet; and a 3.3 variance of the Lake Michigan Setback from 50.0 feet to 46.7 feet to construct an addition.



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.

NEWCOMB EDWARD L TRUST ...
PO BOX 489
SUTTONS BAY, MI, 49682

SHULL STEPHEN R & LORETTA ...
3808 WAXWING CT
VALPARAISO, IN, 46383

SMITH TRACY
172 OLD FIELD RD
EAST SETAUKET, NY, 11733

ANDRESWS RICHARD B & KARI...
PO BOX 425
SUTTONS BAY, MI, 49682

HOUK COTTAGE TRUST
2916 PICKWICK DR
COLUMBUS, OH, 43221

NEWCOMB EDWARD L TRUST ...
PO BOX 489
SUTTONS BAY, MI, 49682

STURM HANS JORG TRUST
PO BOX 261
LELAND, MI, 49654

HERMANN EXCHANGE LLC
5040 BLUE SPRUCE
LAKE LEELANAU, MI, 49653

KANE JEREMY
372 S SHORE DR
SUTTONS BAY, MI, 49682

356 PROPERTIES LLC
PO BOX 976
SUTTONS BAY, MI, 49682

LEPOR BETTY TRUST
170 BRIARWOOD DR
LAPEER, MI, 48446

HODGES NATHAN W & CHERNY...
1950 SANTA CRUZ
MENLO PARK, CA, 94025

KRUMM MICHAEL A & HILARIE
1251 SWEETWOOD DR
OKEMOS, MI, 48864

HARRIS ALAN N & ANGELA
2553 THORNAPPLE DR
ANN ARBOR, MI, 48103

SANOCKI MICHAEL
426 W TUSCOLA ST
FRANKENMUTH, MI, 48734

SMITH TRACY A
172 OLD FIELD RD
EAST SETAUKET, NY, 11733

ANDRESWS RICHARD B & KARI...
PO BOX 425
SUTTONS BAY, MI, 49682

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

**ZONING STAFF REPORT
ON
A REQUEST FOR DIMENSIONAL VARIANCES
MICHAEL SANOCKI
379 S. SHORE DRIVE, SUTTONS BAY**

**Prepared by Steve Patmore
For Public Hearing on October 19, 2022**

I. REQUEST

Request by Michael Sanocki, 8111 Burt Road, Birch Run, MI 48415, for a dimensional variance of the Front, Side, and Lake Michigan Setbacks to construct an attached garage to the existing single-family residence on the parcel.

The specific request is as follows:

1. A 17.5' variance from the 25' Front Yard Setback. (from 25' to 7.5')
2. A 0.75' variance from the 15' Side Yard Setback. (from 15' to 14.25')
3. A 3.3' variance from the 50' lake Michigan Setback. (from 50' to 46.7')

II. PROCESS

The Zoning Board of Appeals has the authority to authorize 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. The person requesting the variance shall file with the Administrator a completed application form furnished by the Village specifying the zoning ordinance provision from which the variance is being requested. The Administrator shall then transmit to the Zoning Board of Appeals the completed application concerning the variance request.

This Public Hearing has been noticed for the October 19, 2022 ZBA meeting.

III. GENERAL FINDINGS OF FACT

1. The subject property is located at 379 S. Shore Drive, Suttons Bay, MI 49682 Property No. 45-043-828-036-00.
2. According to village and county records, the subject property is owned by Michael Sanocki, 8111 Burt Road, Birch Run, MI 48415.

3. The subject parcel currently contains a single-family home, and a detached shed.
4. The subject property is currently zoned Single Family Waterfront (SFWR).
5. The subject property contains 0.27 acres (approx. 11,760 square feet) according to the Leelanau County Equalization Parcel Viewer.
6. The current setbacks for the Single Family Waterfront (SFWR) District are:
 - Front Yard: 25 feet
 - Side Yard: 15 feet
 - Lake Michigan Setback: 50 feet from the Historic High Water Mark as defined.
7. According to the Site Plan, the existing single-family dwelling is non-conforming with the Front Yard and Waterfront Setbacks.
8. According to the Site Plan, there is 51 square feet of buildable area available on the east side of this parcel.
9. The property owner wishes to add an attached 26' x 29' attached garage.
10. The application shows a second story above the proposed garage, and the letter dated 9/01/2022 states that the addition will include additional living space.
11. The subject property is approved as a short-term rental by the Village of Suttons Bay. It is approved for 9 occupants, with 5 bedrooms. The approval includes occupant parking in the area where the garage addition is proposed.
12. Marc O'Grady is listed as an authorized agent for the Owner.

IV. FINDINGS OF FACT RELATED TO STANDARDS FOR DIMENSIONAL VARIANCES:

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.

In general, these Standards require the ZBA to consider:

- *Is there a unique circumstance associated with the property?*
- *Is the request reasonable? Is the request primarily for economic reasons/*
- *Are there other alternatives available to the owner?*

- *Did the property owner create the difficulty by prior actions?*
- *Does the request affect properties in the area and district?*

- 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.

Considerations:

1. The Applicant stated that the need is due to the unique shape and shallowness of the parcel, and that the need is not due to the applicant's personal or economic hardship.
2. The Site Plan shows that there is only 51 square feet of available building area east of the existing house.
3. Should the addition of living space to a short term rental be considered economic?

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

Considerations:

1. There is no evidence that any actions of the property owner created the non-conforming situation.
2. See Applicant's response in the application.

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.

Considerations:

1. The current setbacks prevent any usable addition to the existing house.
2. The property owner has an existing permitted use in the 5 bedroom home.
3. Is an attached garage a reasonable purpose?
4. Is additional living space a reasonable purpose?, especially considering that the existing dwelling is a short-term rental.
5. See Applicant's response in the application.

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.

Considerations:

1. See Applicant's response in the application.
2. Would a garage addition affect other property owners in the district?
3. Would expanding the short term rental affect other property owners in the district?

4. See Public Comment.

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.

Considerations:

1. See Applicant's response in the application.
2. Would a garage addition affect other surrounding property owners?
3. Would expanding the short term rental affect other property owners?
4. See Public Comment.

The VSBZBA finds:

V. QUESTIONS/CLARIFICATIONS:

1. Where will parking for the Short Term Rental be located if the addition is constructed?

VII. POSSIBLE ACTION:

Motion to approve the General Findings of Fact (as presented / as revised)

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

Motion to (approve / approve with conditions / 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.

Subject to the following conditions: (if applicable)

September 1, 2022

Leslie Couturier
% Steve Patmore
Zoning Administrator
Village of Suttons Bay
zoning@suttonsbayvillage.org

RECVD
9/9/2022
SP

Re: 379 S Shore Drive, Suttons Bay, MI 49682

Dear Leslie,

Please see below for information related to the variance application at the above address. Let me know if there is anything else that you require.

1. We are requesting the following variance setbacks as shown on the site plan dated 08.11.22.
 - A 17.5' variance of the Front Yard Setback from 25.0' to 7.5'.
 - A 0.75' variance of the Side Yard Setback from 15.0' to 14.25'.
 - A 3.3' variance of the Lake Michigan Setback from 50.0' to 46.7'.
2. We believe that the requested variance does meet the "Standards for Dimensional Variances" per Section 17-6.A.1 of the zoning ordinance.
 - a. The need for the requested variance is due to the unique shape and shallowness of the property and also the proximity to Lake Michigan. There is also a right of way between S Shore Drive and the applicant's property that further reduces the buildable area on the property. This is not due to the applicant's personal or economic hardship.
 - b. The need for the requested variance is not the result of actions of the property owner.
 - c. Compliance with the zoning setbacks will prevent the property owner from using property for a permitted purpose. The setbacks will only allow a buildable area of 51 square feet.
 - d. Granting the requested variance would allow for the applicant to build a garage with additional living space. The garage will allow the applicant additional storage space, especially during the winter months. The living space will be consistent with the design of the house and with the size and character of neighboring houses.
 - e. The requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood. We believe that the requested variance will allow for a residence that is in line with other homes in the zoning district and with the overall design of the existing property.
3. The height of the proposed addition will be 19'-7". The height of the existing house is 22'-3".

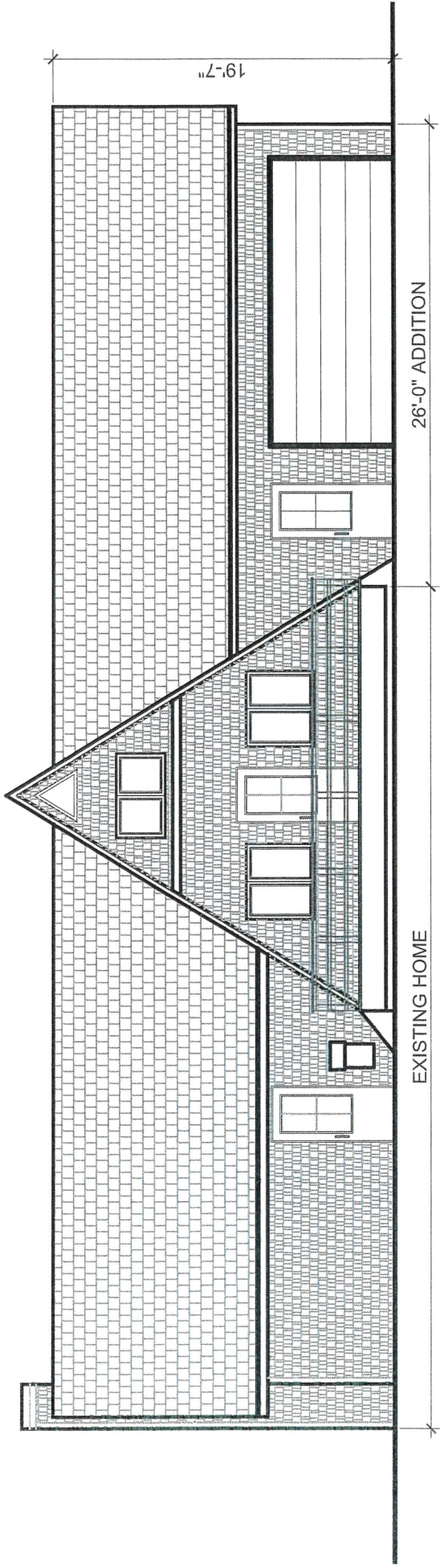
Best Regards,



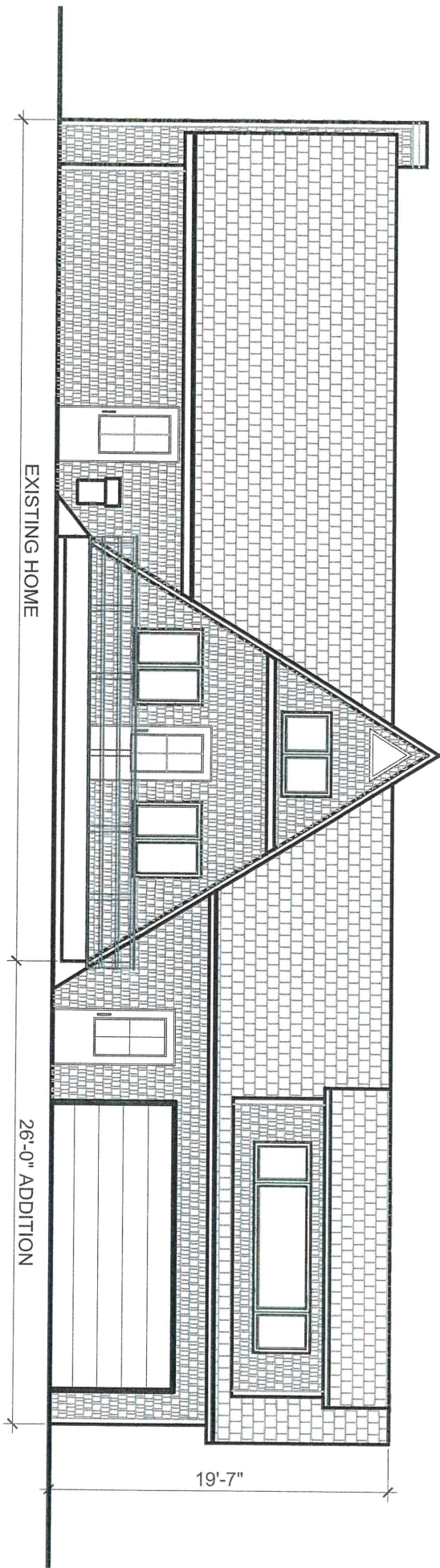
Marc O'Grady, CPBD, AIBD
Partner
beag haus, LLC



Dwayne Johnson
Partner
beag haus, LLC



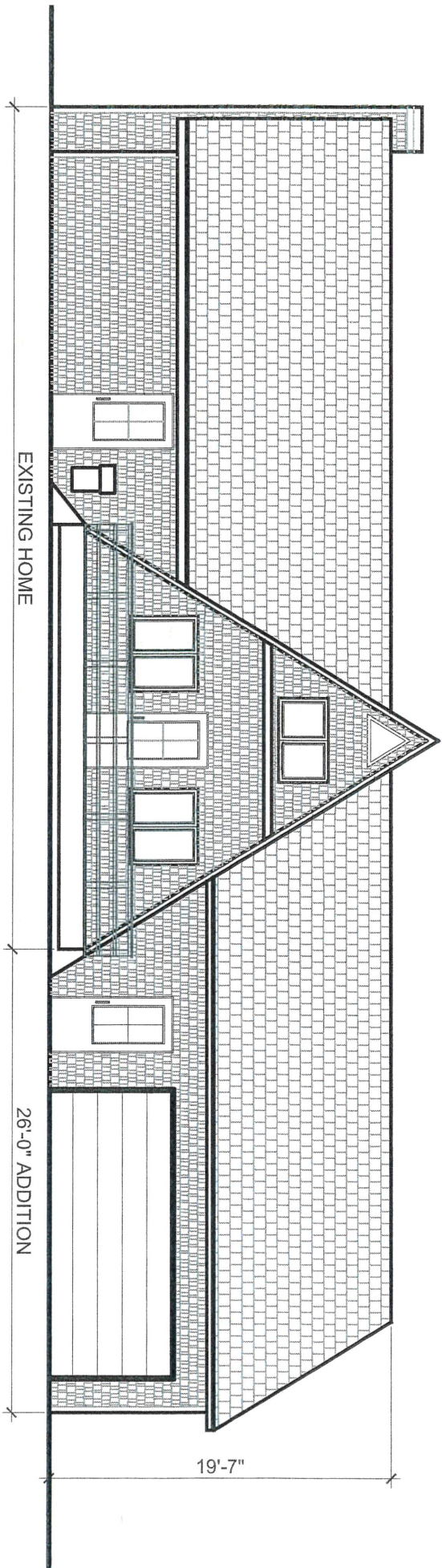
SANOCKI PROJECT
 379 S SHORE DRIVE, SUTTONS BAY, MI 49682
 PLAN REVIEW SET - September 8, 2022



SANOCKI PROJECT

379 S SHORE DRIVE, SUTTONS BAY, MI 49682

PLAN REVIEW SET - September 8, 2022



SANOCKI PROJECT

379 S SHORE DRIVE, SUTTONS BAY, MI 49682

PLAN REVIEW SET - September 8, 2022



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

ZONING BOARD OF APPEALS APPLICATION

FEES: VARIANCE: \$500 Paid: ___ Check # ___
NON-CONFORMING USE: \$500 Paid: ___ Check # ___

Date Rec. ___/___/___ Hearing Date ___/___/___
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: MICHAEL SANOCKI Phone Number: (586) 899 - 0752

Address: 8111 BURT ROAD BIRCH RUN MI 48415

Email: MICHAEL.SANOCKI@GMAIL.COM

Authorized Agent's Name: BEAG HAUS (MALL O'GRADY / DWAYNE JOHNSON)

Address: 20400 Peckham St, Ashburn, VA 20147 Phone Number: (571) 215 - 9616

Email: MARC@BEAGHAUS.COM

Property Identification Number (PIN): 45-043- 8 2 8 - 0 3 6 - 0 0

Property Location (address if available): 379 SOUTH SHORE DRIVE
SUTTONS BAY, MI
49682

PAID \$500

Type of Request VARIANCE

- 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: / /

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):

We would like to build an attached garage at the above address. There is space for the addition but the zoning setbacks create a hardship by leaving only a sliver of land to build on. See included site plan with buildable area marked in green. There are several houses with garages on S Shore Drive that appear to be located within the current setback requirements.

Signature of Owner [Signature] Date 8/11/22

Signature of Authorized Agent [Signature] Date 8/11/22

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

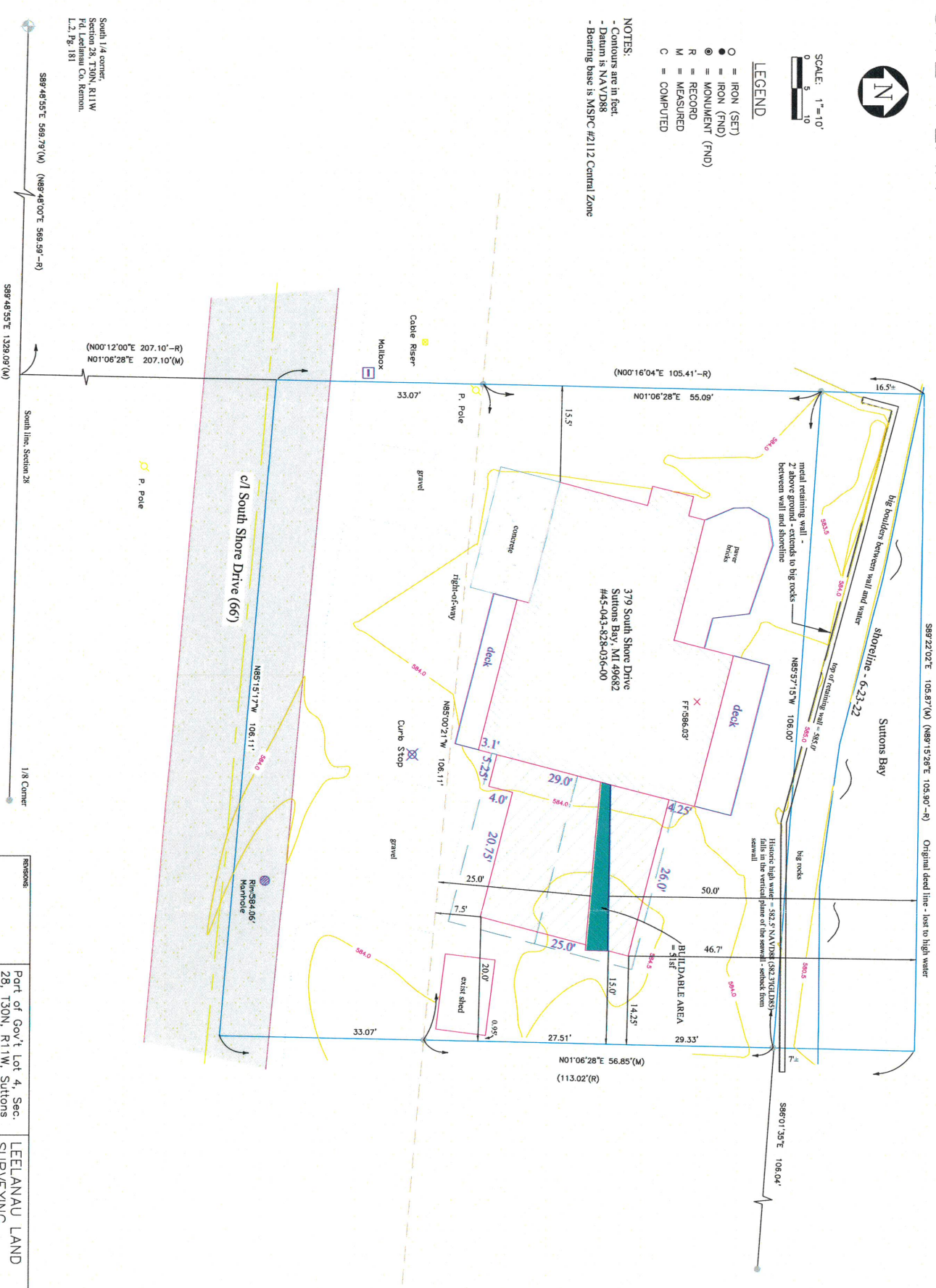


SCALE: 1"=10'
 0 5 10

LEGEND

- = IRON (SET)
- = IRON (FND)
- ⊙ = MONUMENT (FND)
- R = RECORD
- M = MEASURED
- C = COMPUTED

NOTES:
 - Contours are in feet
 - Datum is NAVD88
 - Bearing base is MSPFC #2112 Central Zone



South 1/4 corner
 Section 28, T30N, R11W
 P.L. Leelanau Co., Kemron,
 L.2, Pg. 181

589°48'55"E 569.79'(M) (N89°48'00"E 569.59'--R)
 589°48'55"E 1329.09'(M)
 South line, Section 28
 1/8 Corner

RESPONSE:

Part of Gov't Lot 4, Sec. 28, T30N, R11W, Suttons Bay Twp., Leelanau Co., Michigan.

LEELANAU LAND SURVEYING
 P.O. BOX 701
 LELAND, MI. 49654

CLIENT: Michael Sanocki
 DATE: 7/15/22
 JOB NO: 22009

Note(s):
 -All setbacks and zoning information subject to final township approval.

