



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

Wednesday, October 21, 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 (August 19, 2020)
5. Public Comment/Written Communications
6. Adjournment



VILLAGE OF SUTTONS BAY
ZONING BOARD OF APPEALS
MEETING MINUTES OF AUGUST 19, 2020

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

Present: Bahle, Jelenik, Perkins, Popke, and Smith

Staff present: Couturier, Fay and Petroskey

Approval of Agenda

Smith moved, Perkins seconded, CARRIED, to approve the Agenda as presented, by an affirmative, unanimous roll call vote. Ayes: 5, No: 0.

Approval of Minutes

Bahle moved, Perkins seconded, CARRIED, to approve the January 15, 2020, ZBA minutes as presented by Couturier by an affirmative, unanimous roll call vote. Ayes: 5, No: 0.

Public Comment/Written Communications

Written communication received by John Korson relative to Appeal Request 3-19 Bahle. The communication can be found in this meeting packet. Written communication received by Brian Flickinger of EGLE relative to Appeal Request 3-19 Bahle. The communication can be found in this meeting packet.

Member Conflict of Interest

Karl Bahle disclosed a conflict of interest regarding Appeal Request 3-19, Bahle, and abstained from participating in deliberations and voting.

Public Hearing – Variance Request 3-19 Bahle

Bahle Enterprises Inc., owners, on a parcel of land commonly known as 210 N. St. Joseph Street, Suttons Bay, property ID # 45-043-768-136-00, Central Business (CB), Zoning District, filed a request 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.

Leslie Couturier, Zoning Administrator, provided an explanation of the application and answered board members questions, noting the involvement of EGLE.

Applicant provided an explanation as to why the fence was erected, and further requested from the Zoning Administrator information on a previously granted fence permit on the south side of the property.

The public hearing was opened at 5:50 p.m.

Karl Lundquist of the Barkentines stated he understood and supported the Bahle's position and further stated how nice it used to be to use the area as a throughway.

The public hearing closed at 5:52 p.m.

The Zoning Board of Appeals considered the Findings of Facts and determined that the proposed variance does not meet all of the Findings of Facts.

Perkins moved, Jelenik seconded, CARRIED, to deny the application for a variance, by an affirmative, unanimous roll call vote. Ayes: 4, No: 0, Abstained: 1.

Public Hearing – Variance Request 2-20 Newton Firestone

Michelle Newton and Susan Firestone, owners, on a parcel of land commonly known as 210 N. St. Mary's Street, Suttons Bay, property ID # 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.

Michelle Newton, applicant, presented reasons for her request.

The public hearing opened at 6:14 p.m.

Caleb Norris, Designer, is in favor of the variance for all of the reasons stated by Newton.

The public hearing closed at 6:15 p.m.

The Zoning Board of Appeals considered the Findings of Facts and determined:

- The need for the requested variance is due to unique circumstances of 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 requested variance is not the result of actions of the property owner.
- 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.
- 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.
- 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 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.

Based on the Findings of Facts, Smith moved, Bahle seconded, CARRIED, to approve the request as submitted, subject to the findings of fact as presented, by an affirmative, unanimous roll call vote. Ayes: 5, No: 0.

Board member Comments

Perkins stated the difficulty in attending this Zoom meeting and requested the meetings be held outside maintaining social distancing.

Perkins suggested a better microphone noting difficulty in understanding the Chair.

Adjournment

Smith moved, Bahle seconded, CARRIED, to adjourn the meeting, by an affirmative, unanimous roll call vote. Ayes: 5, No: 0.

The meeting adjourned at 6:22 p.m.

Meeting minutes submitted by Shar Fay, Village Clerk.