



**Agenda**  
**City of Charlevoix Zoning Board of Appeals Regular Meeting**  
**Wednesday, May 18, 2022 - 6:00 PM**  
**Council Chambers, 210 State Street, Charlevoix, MI**

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1. **Call to Order**
2. **Roll Call/Pledge of Allegiance**
3. **Inquiry into Potential Conflicts of Interest**
4. **Approval of Agenda**
5. **Approval of the Minutes from April 20, 2022**
6. **Old Business**
  - A. Interpretation of 153.005 Definition of Building Height
  - B. Public Hearing for Applicant **2022-02 ZBA**. Dimensional variance request from Charandor LLC - 205 Bridge Street
    - i. Staff Presentation
    - ii. Applicant presentation (if requested)
    - iii. Call for public comments
    - iv. ZBA determination of findings of fact
    - v. Motion
7. **New Business**
  - A. Public Hearing for Applicant **2022-07 ZBA**. Dimensional variance request from Harry Golski, PLC (Maurine Watts, Trustee) - 103 Grant Street
    - i. Staff Presentation
    - ii. Applicant presentation (if requested)
    - iii. Call for public comments
    - iv. ZBA determination of findings of fact
    - v. Motion
  - B. Public Hearing for Applicant **2022-04 ZBA**. Dimensional variance request from Timothy Shindorf - 217 West Garfield Street
    - i. Staff Presentation

- ii. Applicant presentation (if requested)
  - iii. Call for public comment
  - iv. ZBA determination of findings of fact
  - v. Motion
- C. Public Hearing for Applicant **2022-05 ZBA**. Dimensional variance request from William and Beverly Barton - 401 Antrim Street
- i. Staff Presentation
  - ii. Applicant presentation (if requested)
  - iii. Call for public comment
  - iv. ZBA determination of findings of fact
  - v. Motion
- D. Public Hearing for Applicant **2022-01 ZBA**. Dimensional variance request for Turn Key Property Services (Jordan Irish) - 808 East Dixon Avenue
- i. Staff Presentation
  - ii. Applicant presentation (if requested)
  - iii. Call for public comment
  - iv. ZBA determination of findings of fact
  - v. Motion

**8. Call for General Public Comment**

**9. Adjournment**

**Persons with disabilities who need an accommodation to fully participate in these meetings should contact the City Clerk's Office at 231-547-3250 or by email [clerk@charlevoixmi.gov](mailto:clerk@charlevoixmi.gov). A 24-hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodations requests.**



OFFICE OF PLANNING AND ZONING

Janet Koch, Zoning Administrator

210 State Street Charlevoix, MI. 49720

[planner@charlevoixmi.gov](mailto:planner@charlevoixmi.gov)

Phone: (231)547-3265

**MEMORANDUM**

May 11, 2022

To: Zoning Board of Appeals

From: Janet Koch, Zoning Administrator

Re: Agenda Item 6.A Interpretation of 153.005 Definition of Building Height

The City's previous Zoning Administrator, Jonathan Scheel, has notified me that he will be attending the meeting to discuss this agenda item with the ZBA. To assist with the discussion, please see the following from the zoning ordinance:

From §153.005 DEFINITIONS

**BUILDING HEIGHT.** The vertical distance measured from the average finished grade around the building to the highest point of a flat roof; to the deck line of a mansard roof; when there is a dormer built into the roof, the height is measured to the midpoint of the dormer roof if the dormer(s) exceeds 50% or more of the width of any side of the building; to the average height between the eaves and ridge for a gable, hip and gambrel roof; or to an equivalent point on any other roof, excluding structural elements not intended for habitation and not exceeding six feet above the maximum building height including antenna arrays, smoke and ventilation stacks, flag poles, mechanical and elevator equipment, and parapet walls designed solely to screen mechanical and elevator equipment.

§153.174 MECHANICAL EQUIPMENT

Ground-, building- and **roof-mounted mechanical equipment** and utility structures including, but not limited to, heating units, cooling units, air handling units, refrigeration units, blowers, ventilating fans, water and gas meters, elevator housing, tanks, generators and utility transformers are subject to the following regulations.

(A) *Ground- and building-mounted equipment.*

- (1) **Mechanical equipment and utilities visible to the public and located on or around any non-residential building shall be screened by landscaping or by decorative walls compatible with the material used on the building.**
- (2) Mechanical equipment may not be located within the required front yard setback area or within five feet of any side property line, except as may otherwise be permitted by this chapter. However, in a non-residential district, ground-mounted mechanical equipment shall not be located under any circumstances within 20 feet of a residential district boundary.

(B) *Roof-mounted equipment.*

- (3) All roof-mounted equipment shall be screened by parapet walls or a pitched roof integrated into the architectural design of the building of sufficient height to screen

the rooftop equipment and provide sound attenuation. The location, height and screening methods shall be shown on the site plan.

- (4) **All roof-mounted mechanical units** must be set back a minimum of 20 feet from the front of the building and any side of the building facing an adjacent residential district.

§ 153.170 BUILDING APPEARANCE.

- (A) *Purpose.* The purpose of this section is to provide quality exterior architectural building styles and material standards to enhance the visual environment of the main corridor entries to the city, thereby improving property values and stimulating investment in the business districts. The provisions of this section are intended to promote quality architecture to ensure that buildings retain their value, protect the investment of adjacent landowners, blend harmoniously into the streetscape and create a positive image for business and the city.
- (B) *Applicability.* This section shall apply to all new construction in the General Commercial (GC), Professional Office (PO) and Commercial Mixed Use (CM) Districts on lots fronting U.S. 31 (Bridge Street and Michigan Avenue) and M-66. This section shall not apply to single-family detached and two-family residential structures. Architecture shall be reviewed by the Zoning Administrator or Planning Commission, as applicable, as a part of site plan review under the requirements of §§ 153.230 through 153.243 of this chapter.
- (C) All exterior materials shall comply with the following:
  - (1) *Design standards.* Buildings shall have architectural variety, but enhance the overall cohesive community character. At a minimum, the following standards shall be met.
    - (a) Buildings shall provide architectural features, details and ornaments such as archways, colonnades, cornices, peaked roof lines, hip returns, operable window shutters, transoms, gas lights or towers to accent and add interest.
    - (b) Repair of existing structures may utilize the existing roof pitch and roof design at the time of application.
    - (c) Plazas, strip malls or similar types of commercial or office developments where multiple businesses are located within the same building shall provide at least one dormer, archway or similar feature per business or store front.
    - (d) Building walls over 100 feet long shall be broken up with varying building lines, vertical architectural features, windows, architectural accents and trees.
    - (e) Building entrances shall utilize windows, canopies and awnings; provide unity of scale, texture and color; and clearly identify the entry.
    - (f) **Building-mounted mechanical equipment shall be screened.**
- (D) Site elements. Signs and other site features shall be designed and located so they are aesthetically consistent and harmonious with the overall development. Sign bases shall be constructed of material which is compatible with the principal building. **Mechanical equipment shall be screened.**



OFFICE OF PLANNING AND ZONING  
 Janet Koch, Zoning Administrator  
 210 State Street Charlevoix, MI. 49720  
[planner@charlevoixmi.gov](mailto:planner@charlevoixmi.gov)  
 Phone: (231)547-3265

## ZONING BOARD OF APPEALS STAFF REPORT

<b>AGENDA ITEM:</b>	<b><u>ZBA 22-02 Variance Request for 205 Bridge Street</u></b>
<b>PUBLIC MEETING DATE:</b>	May 18, 2022, 6:00 PM
<b>PRESENTED BY:</b>	Janet Koch, Zoning Administrator

<b>EXHIBITS:</b>	<ol style="list-style-type: none"> <li>1. Variance application form dated 3-30-2022</li> <li>2. Narrative email from applicant dated 5-2-2022</li> <li>3. Narrative email from applicant dated 5-10-2022</li> <li>4. Pertinent pages of Building Code (highlighted)</li> <li>5. Proposed site plan</li> <li>6. City of Charlevoix Zoning Ordinance, adopted 1-17-2022</li> </ol>
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### **1. PROPOSAL**

The applicant is proposing to construct a third floor on a downtown building with a roof deck with an elevator and stairwells on parcel ID # 052-246-001-40. The applicant is requesting a variance from Section 153.005 (Definitions) of the City of Charlevoix Zoning Ordinance which defines the height requirements for mechanical equipment on roofs. The standards for structures in the CBD District are 40-foot maximum height with mechanical structures a maximum of 6 foot above the roof.

Two height variances are being requested: one for the corridor/stairwell height, and another for the elevator and elevator mechanicals.

The purpose of this Staff Report is to evaluate this proposal against the procedures and criteria outlined in Section 153.035-153.042 of the City of Charlevoix Zoning Ordinance adopted March 19, 2019.

### **2. SITE**

The subject property is located at 205 Bridge Street. The legal description is 42 FT S OF NE COR LOT 1 BLK 6 ORIG PLAT OF VILL (NOW CITY) OF CX TH S 44 FT 6 IN TH W 82 FT TO E BDY OF ALLEY TH N AL E BDY SD ALLEY 44 FT 6 IN TH E TO POB BE ING PART LOTS 1 & 2 BLK 6 ORIG'L PLAT. The parcel is roughly 82' x 44', totaling approximately 3,500 square feet (see Exhibit 3).



### **3. BACKGROUND**

The variance application has an applicant signature date of March 30, 2022. The notice of public hearing was published in the Charlevoix Courier on April 1, 2022. Notice to property owners/tenants within 300 feet of this parcel was sent out on April 6, 2022 for the April 20, 2022 ZBA meeting. The Zoning Administrator received two letters/emails supporting the variance. At the April 20 meeting, the agenda item was tabled to allow for time to obtain clarification regarding specific points.

The site plan shows the proposed heights of the building and mechanical equipment. The applicant is requesting a variance to increase the height of the elevator and emergency staircases to 13.75 feet above the roof (shown on Sheets A4 and A5 of the architect plans). The top of the proposed elevator roof is at 150.25 feet. The plans illustrate a current roof elevation of 136.50 feet above the sidewalk elevation of 99.5 feet; this indicates a current building height of 37 feet.

Zoning Administrator Jonathan Scheel met with John Cochrane from the Charlevoix County Department of Building Safety on May 2, 2022. Mr. Cochrane stated that his department will require an elevator and a staircase(s) for accessibility to the roof top deck. In addition, he will require an enclosed, protected structure a minimum of five feet in front of the elevator and staircases per his interpretation of the building code. Dan Thorpe, Chief of the Charlevoix Township Fire Department, was asked for his input. Public Works and the electrical department are working with the applicant and have no concerns.

#### **4. STAFF ANALYSIS**

Staff analysis concerning this variance request is that the ZBA will have to evaluate the findings of fact below. Staff does not have any recommended conditions of approval at this time.

#### **5. REVIEW STANDARDS - FINDINGS OF FACT - CONDITIONS OF APPROVAL:**

During the public hearing on the May 19, 2022, the role of the ZBA is to make findings of fact to determine if each variance proposal meets each of the following standards. **The ZBA must find that each variance proposal meets all the following standards based on findings of fact before considering a motion to approve.** Staff has written the following recommended findings of fact as a starting point. The ZBA may add, modify, or delete any of the following findings during the meeting.

General findings of fact:

- 1) Height variance request for corridor/stairwell (above 40' max.)
  - If Bridge St. elevation is used: 7' variance
  - If Van Pelt elevation is used: 6.33' variance
  - If average of street elevations is used: 6.67' variance
- 2) Height variance request for elevator/elevator mechanicals (above 46' max.)
  - a) If Bridge St. elevation is used: 3.58' variance
  - b) If Van Pelt elevation is used: 4.25' variance
  - c) If average of street elevations is used: 3.92' variance

The following section is taken directly from the §153.038 (F) of the Zoning Ordinance:

##### Dimensional Variances

*The ZBA, after holding a public hearing in accordance with the requirements of the Zoning Act, shall have the power to grant requests for dimensional variances from the provisions of this chapter where it is proved by the applicant that there are practical difficulties in the way of carrying out the strict letter of this chapter relating to the construction, equipment or alteration of buildings or structures, or of storm water management requirements so that the spirit of this chapter shall be observed, public safety secured and substantial justice done. § 153.038(F)(1)*

*§ 153.038(F)(2) states that a dimensional variance may be allowed by the ZBA only in cases where the applicant has shown a practical difficulty in the official record of the hearing. **The applicant must prove that all of the following conditions have been met.***

- (a) Extraordinary Circumstances. *Exceptional or extraordinary circumstances or conditions may include: 1) Exceptional narrowness, shallowness, small size or shape of a specific property on the effective date of this chapter; (2) Exceptional topographic conditions or other extraordinary situation on the land, building or structure; and (3) The use or development of the property immediately adjoining the property in question, whereby the literal enforcement of the requirements of this chapter would involve practical difficulties. § 153.038(F)(2)(a)*

The ZBA finds that that the need for the requested variance is due to unique circumstances and physical conditions of the property including that for health

and safety reasons, the building department and the fire department require secondary emergency access to the roof. There are two existing staircases in the current structure and an elevator is required as per the Federal American Disability Act. The ZBA finds that this standard is met since the city does not have the authority to waive state and federal laws.

- (b) *Substantial Justice. Compliance with the strict letter of the restriction's governing area, setbacks, frontage, height, bulk, density or other dimensional provisions would unreasonably prevent the use of the property. Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district and such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. Any variance granted shall be the minimum necessary to allow the preservation of these substantial property rights. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance. § 153.038(F)(2)(b)*

The ZBA finds that the applicant is requesting a third floor and deck structure that meets all requirements of the City of Charlevoix Zoning Ordinance. A variance is only necessary due to state and federal regulations.

- (c) *Impact on the Surrounding Neighborhood. The variance will not be detrimental to adjacent property and the surrounding neighborhood or interfere with or discourage the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood as compared to other uses in the neighborhood. §153.038(F)(2)(c)*

The ZBA finds that the applicant's request will not have a negative impact on the two adjacent property owners or the neighborhood as the height and size of the mechanical structure is minimally intrusive. If the building roof/deck was at the allowed 40 feet in height the mechanical structure would only be four feet above the maximum height requirement.

- (d) *Public Safety and Welfare. The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the city. §153.038(F)(2)(d)*

The ZBA finds that the applicant's request will not negatively affect public safety and welfare.

- (e) *Not Self-Created. The immediate practical difficulty causing the need for the variance request was not self-created by the applicant or previous owners of the subject property. §153.038(F)(2)(e)*

The ZBA finds that the applicants request is not self-created. Federal and State regulations require the facilities needed that are requiring the variance.

## **6. ZBA ROLE AND OPTIONS**

The City of Charlevoix Zoning Board of Appeals has the following options for the variance application, project number 22-02 ZBA:

1. Deny project 22-02 ZBA based on specific findings of fact that prove the project does not meet the review standards in 153.038 (F).
2. Approve project 22-02 ZBA without conditions, based on specific findings of fact that prove the project does meet the review standards in 153.038 (F).
3. Approve project 22-02 ZBA with conditions, based on specific findings of fact that prove the project does meet the review standards in 153.038 (F).
4. Table the decision on project 22-02 ZBA.



<b>OFFICE USE ONLY</b>
Case # _____
Date Rec'd _____
Fee Rec'd _____
Receipt # _____

Office of Planning and Zoning  
210 State Street Charlevoix, MI. 49720  
[planner@charlevoixmi.gov](mailto:planner@charlevoixmi.gov)  
[www.charlevoixmi.gov](http://www.charlevoixmi.gov)  
(231)547-3265

### VARIANCE APPLICATION

Charanddor, LLC                      205 Bridge Street  
Applicant                                      Address of subject property

Charlevoix MI 49720  
Address (City/State/Zip)

Rodney Rotman  
Property Owner Name (If different than applicant)

11026 Split Oak Drive West Olive MI 49460  
Property Owner Address (City/State/Zip) (If different than address of subject property)

Property Owner Phone              Email  
( 616 ) 406 - 7085      rodney.rotman@2rautomation.com

Agent Phone                              Email  
( 616 ) 648 -5102      rlp@rpaae.com

Current Zoning of subject property: CBD

Current Use of Property: (Example: Single Family, Duplex, Apartments, Commercial)  
Commercial

Date of original construction (If known): Unknown

Please describe the type of construction or proposed use for a use variance:

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Dimensions of proposed construction excluding eaves: 44.5' w x 82.32' deep shown on survey.

Total square footage of proposed construction:  $3,658 + 3,624 + 3658 + 3658 + 670 = 15,268$  sq. ft.

Height of proposed construction to the top of the roof: 52 feet maximum

Height of proposed construction to the midpoint of the roof for gabled roof: \_\_\_\_\_

Roof Type: (Examples: Gable, Hip, Gambrel, Mansard, Flat) Flat

Variance Requested:  Front Yard Setback \_\_\_\_\_ feet from front property line.

Building Ht. Limit of 153.146 Ft. which is 52 Ft.  Rear Yard Setback \_\_\_\_\_ feet from front property line.

Side Yard Setback \_\_\_\_\_ feet from front property line.

Lot Coverage: Request \_\_\_\_\_% coverage.

Use Variance Requested: Yes  No  If yes please describe the proposed use: \_\_\_\_\_

What hardship or practical difficulties exist that prevents the property owner from being able to meet the requirements of the Zoning Ordinance? Owner wishes to construct a three story building with roof top patio at 37 FT above Bridge Street Sidwalk. Dual stairwell access to rooftop mandated by code and elevator access to rooftop necessitates structures above 37 Ft. to a maximum of 52 Ft.

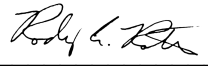
Attach a scale drawing of the proposed construction. Please be as detailed as possible, as this will be used to determine if a variance can be approved in accordance with the Zoning Ordinance. Corrections or additions may be required by the Zoning Administrator to determine compliance with the Zoning Ordinance.

Include all of the following:

- Lot or parcel dimensions.
- Existing building and dimensions, excluding eaves.
- Proposed building and dimension, excluding eaves.
- Front, site, and rear yard dimensions.
- Dimensions between existing and/or proposed buildings.
- Location and dimensions of all impervious surfaces including structures, sidewalks, driveways, patios, etc.

- Name of nearest road, easement, or dedicated right-of-way.
- Scale, North arrow.

AFFIDAVIT: I agree the statements made above are true, and if found not to be true, any Zoning Board of Appeals ruling that may be issued may be void. Further, I agree that any Zoning Board of Appeals ruling and subsequent permit that may be issued is issued with the understanding that the individual(s) in receipt of that ruling/permit will comply with all applicable sections of the City of Charlevoix Zoning Ordinance. Also, I agree to notify the City of Charlevoix Zoning Administrator before the start of construction and when locations of proposed uses are marked on the ground so that the Administrator may perform a site inspection. Further, I agree to give permission for officials of the City of Charlevoix, the County, and the State of Michigan to enter the property subject to this permit application for purposes of inspection. Also, I understand any zoning action by the Zoning Board of Appeals conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, building code, deed restriction, or other property rights. I understand that the ZBA may impose conditions of approval and I agree to meet those conditions as outlined in the Decision and Order.

Signed:   
Date: 03/30/2022

## Planner

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**From:** Rodney Rotman <rodney.rotman@2rautomation.com>  
**Sent:** Monday, May 2, 2022 2:39 PM  
**To:** Planner  
**Subject:** FW: Charanndor Rooftop Corridor  
**Attachments:** CODE 1006 -1007.pdf; 506821-A3 ROOF PLAN V-8b 4-29.pdf; 506821-A4 ELEVATIONS V-3 M 4-29.pdf; 506821-A5 ELEVATIONS V-3 4-29.pdf; 506821-A6 ELEVATIONS V-3 4-29.pdf; 506821-A8 PROPOSED SECTION REVISED 4-29.pdf; 506821-A3 ROOF PLAN V-8a 4-29.pdf

Jonathan,

We have reconfigured the HVAC condensers in a row with a 6' screen as allowed by current zoning regulations. We have also reduced the remaining separation wall to the 40' height so these items should adhere to current zoning regulations and no longer require a variance.

We have also minimized the corridor size between the two stair cases to the extent allowed by code and are still asking for the height variance for the corridor and stairwell height as well as the second height for the elevator and elevator mechanicals.

I would like to review this with you and the new planner (forgive me but I don't know her or his name).

Let me know when we can have a conference call to discuss.

Thanks,



**Rodney Rotman**  
President

c: 616.406.7085

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West Olive, MI 49460



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**From:** jenny@rpaae.com <jenny@rpaae.com>  
**Sent:** Friday, April 29, 2022 5:01 PM  
**To:** Rodney Rotman <rodney.rotman@2rautomation.com>  
**Cc:** 'RLP@RPAAE.COM' <rlp@rpaae.com>  
**Subject:** RE: Charanndor Rooftop Corridor

Rodney

Yes See below. Also attached are the following  
1. Michigan Building Code Sections 1006 and 1007.  
2. Floor plans to be used with paragraph below.

3.Revised building elevations.

### MBC Section 1006 Number of Exits and Exit Access Doorways

An occupied floor or roof which is 4 stories or greater above grade with an occupant load of 14 is required by MBC section 1006.3 and table 1006.3.1 to have two (2) means of exit. None of the exceptions for reducing this to a single exit given in section 1006.3.2 apply. Therefore, two exits are required.

### MBC Section 1007 Exit and Exit Access Doorway Configuration

The two exits required from the roof are required by MBC section 1007.1.1 to be remote to each other which requires the distance between exit access doors to be greater than one third the value of the longest diagonal within the area exited. In the case of the plan ( shown on drawing A3b) with a minimum elevator lobby the 15 ft between exit access doors on the south side is less than one third the 78.8 ft diagonal. ( $15.0/78.8 = .19 < .33$ ) Therefore the south side does not comply with Section 1007.1.1. The north side also does not comply. A solution is to connect the two stairways with a one hour fire rated corridor in which case exception 1 of section 1007.1.1 applies and the exiting requirement of the code is met. In this case the exit separation distance is 28.9 ft and the maximum diagonal is 77.8 ft and exiting is in compliance. ( $28.9/78.8 = .36 > .33$ ). This solution is shown on drawing A3a.\

Sincerely

Rick Postema, PE

**RICHARD POSTEMA ASSOCIATES, P.C.**

1580 44<sup>th</sup> St. S.W.

Wyoming, Michigan 49509

1-616-531-3850

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**From:** Rodney Rotman <[rodney.rotman@2rautomation.com](mailto:rodney.rotman@2rautomation.com)>

**Sent:** Friday, April 29, 2022 9:14 AM

**To:** [jenny@rpaae.com](mailto:jenny@rpaae.com); RICK POSTEMA <[RLP@RPAAE.COM](mailto:RLP@RPAAE.COM)>

**Subject:** Charanndor Rooftop Corridor

Rick,

Can you please write a paragraph explaining the code rules about the corridor on the rooftop so I can explain it to the ZBA?

Thanks,



**Rodney Rotman**  
President

c: 616.406.7085

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## Planner

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**From:** Rodney Rotman <rodney.rotman@2rautomation.com>  
**Sent:** Tuesday, May 10, 2022 8:55 AM  
**To:** Planner  
**Subject:** 205 Bridge Street Variance Request  
**Attachments:** 2015 Building Code pages 261-262.pdf; 506821-A3 ROOF PLAN V-8a 4-29.pdf

Janet,

Per our phone conversation this morning, I have attached the highlighted sections of the building code that relates to the necessity of the stairways and corridor in order to make the rooftop patio ADA compliant.

Following is an explanation of how the highlighted code sections were applied to our building:

On page 261 of the 2015 Michigan Building Code:

### **MBC Section 1006 Number of Exits and Exit Access Doorways**

An occupied floor or roof which is 4 stories or greater above grade with an occupant load of 14 is required by MBC section 1006.3 and table 1006.3.1 to have two (2) means of exit. None of the exceptions for reducing this to a single exit given in section 1006.3.2 apply. Therefore, two exits are required.

On page 261-262 of the 2015 Michigan Building Code:

### **MBC Section 1007 Exit and Exit Access Doorway Configuration**

The two exits required from the roof in section 1006 as explained above are required by MBC section 1007.1.1 to be remote to each other which requires the distance between exit access doors to be placed a distance apart equal to not less than one-half the length of the maximum overall diagonal dimension of the building or area to be served measured in a straight line between them. This requirement cannot be met but there is an exception if the building is equipped with an automatic sprinkler (which ours will have), then the dimension becomes greater than one third the value of the longest diagonal within the area exited because of exception 2 in section 1007.1.1. In the case of the plan ( shown on drawing A3b) with a minimum elevator lobby the 15 ft between exit access doors on the south side is less than one third the 78.8 ft diagonal. ( $15.0/78.8 = .19 < .33$ ) Therefore the south side does not comply with Section 1007.1.1. The north side also does not comply. A solution is to connect the two stairways with a one hour fire rated corridor in which case exception 1 of section 1007.1.1 applies and the exiting requirement of the code is met. In this case the exit separation distance is 28.9 ft and the maximum diagonal is 77.8 ft and exiting is in compliance. ( $28.9/78.8 = .36 > .33$ ). This solution is shown on drawing A3a which was emailed to you on May 2, 2022.

I spoke with Mr. John Cochrane, the County Building Inspector, and he told me that he did not have time to review our plans and code before the meeting on the 18<sup>th</sup> but if my architect could show the design meets the building code, then he would agree with the design.

Please contact me if you have any questions or concerns.

Sincerely,



**Rodney Rotman**

President

c: 616.406.7085

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**1006.2.2.5 Vehicular ramps.** Vehicular ramps shall not be considered as an *exit access ramp* unless pedestrian facilities are provided.

**1006.3 Egress from stories or occupied roofs.** The *means of egress* system serving any *story* or occupied roof shall be provided with the number of *exits* or access to *exits* based on the aggregate *occupant load* served in accordance with this section. The *path of egress travel* to an *exit* shall not pass through more than one adjacent *story*.

**1006.3.1 Egress based on occupant load.** Each *story* and occupied roof shall have the minimum number of independent *exits*, or access to *exits*, as specified in Table 1006.3.1. A single *exit* or access to a single *exit* shall be permitted in accordance with Section 1006.3.2. The required number of *exits*, or *exit access stairways* or *ramps* providing access to *exits*, from any *story* or occupied roof shall be maintained until arrival at the *exit discharge* or a *public way*.

**TABLE 1006.3.1  
MINIMUM NUMBER OF EXITS OR  
ACCESS TO EXITS PER STORY**

OCCUPANT LOAD PER STORY	MINIMUM NUMBER OF EXITS OR ACCESS TO EXITS FROM STORY
1-500	2
501-1,000	3
More than 1,000	4

**1006.3.2 Single exits.** A single *exit* or access to a single *exit* shall be permitted from any *story* or occupied roof where one of the following conditions exists:

1. The *occupant load*, number of *dwelling units* and common path of egress travel distance does not exceed the values in Table 1006.3.2(1) or 1006.3.2(2).
2. Rooms, areas and spaces complying with Section 1006.2.1 with *exits* that discharge directly to the exterior at the *level of exit discharge*, are permitted to have one *exit* or access to a single *exit*.
3. Parking garages where vehicles are mechanically parked shall be permitted to have one *exit* or access to a single *exit*.
4. Group R-3 and R-4 occupancies shall be permitted to have one *exit* or access to a single *exit*.
5. Individual single story or multistory *dwelling units* shall be permitted to have a single *exit* or access to a

single *exit* from the *dwelling unit* provided that both of the following criteria are met:

- 5.1. The *dwelling unit* complies with Section 1006.2.1 as a space with one *means of egress*.
- 5.2. Either the *exit* from the *dwelling unit* discharges directly to the exterior at the *level of exit discharge*, or the *exit access* outside the *dwelling unit's* entrance door provides access to not less than two approved independent *exits*.

**1006.3.2.1 Mixed occupancies.** Where one *exit*, or *exit access stairway* or *ramp* providing access to *exits* at other *stories*, is permitted to serve individual *stories*, mixed occupancies shall be permitted to be served by single *exits* provided each individual occupancy complies with the applicable requirements of Table 1006.3.2(1) or 1006.3.2(2) for that occupancy. Where applicable, cumulative *occupant loads* from adjacent occupancies shall be considered in accordance with the provisions of Section 1004.1. In each *story* of a mixed occupancy building, the maximum number of occupants served by a single *exit* shall be such that the sum of the ratios of the calculated number of occupants of the space divided by the allowable number of occupants indicated in Table 1006.3.2(2) for each occupancy does not exceed one. Where *dwelling units* are located on a *story* with other occupancies, the actual number of *dwelling units* divided by four plus the ratio from the other occupancy does not exceed one.

**SECTION 1007  
EXIT AND EXIT ACCESS  
DOORWAY CONFIGURATION**

**1007.1 General.** *Exits*, *exit access doorways*, and *exit access stairways* and *ramps* serving spaces, including individual building *stories*, shall be separated in accordance with the provisions of this section.

**1007.1.1 Two exits or exit access doorways.** Where two *exits*, *exit access doorways*, *exit access stairways* or *ramps*, or any combination thereof, are required from any portion of the *exit access*, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the building or area to be served measured in a straight line between them.

**TABLE 1006.3.2(1)  
STORIES WITH ONE EXIT OR ACCESS TO ONE EXIT FOR R-2 OCCUPANCIES**

STORY	OCCUPANCY	MAXIMUM NUMBER OF DWELLING UNITS	MAXIMUM COMMON PATH OF EGRESS TRAVEL DISTANCE
Basement, first, second or third story above grade plane	R-2 <sup>a</sup>	4 dwelling units	125 feet
Fourth story above grade plane and higher	NP	NA	NA

For SI: 1 foot = 304.8 mm

NP = Not Permitted.

NA = Not Applicable.

<sup>a</sup> Buildings classified as Group R-2 equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1 or 903.3.1.2 and provided with *emergency escape and rescue openings* in accordance with Section 1030.

<sup>b</sup> This table is used for R-2 occupancies consisting of *dwelling units*. For R-2 occupancies consisting of *sleeping units*, use Table 1006.3.2(2).

Interlocking or scissor stairways shall be counted as one exit stairway.

**Exceptions:**

1. Where interior exit stairways or ramps are interconnected by a 1-hour fire-resistance-rated corridor conforming to the requirements of Section 1020, the required exit separation shall be measured along the shortest direct line of travel within the corridor.
2. Where a building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2, the separation distance shall be not less than one-third of the length of the maximum overall diagonal dimension of the area served.

**1007.1.1.1 Measurement point.** The separation distance required in Section 1007.1.1 shall be measured in accordance with the following:

1. The separation distance to exit or exit access doorways shall be measured to any point along the width of the doorway.
2. The separation distance to exit access stairways shall be measured to the closest riser.
3. The separation distance to exit access ramps shall be measured to the start of the ramp run.

**1007.1.2 Three or more exits or exit access doorways.** Where access to three or more exits is required, not less than two exit or exit access doorways shall be arranged in accordance with the provisions of Section 1007.1.1. Additional required exit or exit access doorways shall be arranged a reasonable distance apart so that if one becomes blocked, the others will be available.

**1007.1.3 Remoteness of exit access stairways or ramps.** Where two exit access stairways or ramps provide the required means of egress to exits at another story, the

required separation distance shall be maintained for all portions of such exit access stairways or ramps.

**1007.1.3.1 Three or more exit access stairways or ramps.** Where more than two exit access stairways or ramps provide the required means of egress, not less than two shall be arranged in accordance with Section 1007.1.3.

**SECTION 1008  
MEANS OF EGRESS ILLUMINATION**

**1008.1 Means of egress illumination.** Illumination shall be provided in the means of egress in accordance with Section 1008.2. Under emergency power, means of egress illumination shall comply with Section 1008.3.

**1008.2 Illumination required.** The means of egress serving a room or space shall be illuminated at all times that the room or space is occupied.

**Exceptions:**

1. Occupancies in Group U.
2. Aisle accessways in Group A.
3. Dwelling units and sleeping units in Groups R-1, R-2 and R-3.
4. Sleeping units of Group I occupancies.

**1008.2.1 Illumination level under normal power.** The means of egress illumination level shall be not less than 1 footcandle (11 lux) at the walking surface.

**Exception:** For auditoriums, theaters, concert or opera halls and similar assembly occupancies, the illumination at the walking surface is permitted to be reduced during performances by one of the following methods provided that the required illumination is automatically restored upon activation of a premises' fire alarm system:

1. Externally illuminated walking surfaces shall be permitted to be illuminated to not less than 0.2 footcandle (2.15 lux).

**1006.3.2(2)  
STORIES WITH ONE EXIT OR ACCESS TO ONE EXIT FOR OTHER OCCUPANCIES**

STORY	OCCUPANCY	MAXIMUM OCCUPANT LOAD PER STORY	MAXIMUM COMMON PATH OF EGRESS TRAVEL DISTANCE (feet)
First story above or below grade plane	A, B <sup>b</sup> , E F <sup>b</sup> , M, U	49	75
	H-2, H-3	3	25
	H-4, H-5, I, R-1, R-2 <sup>c</sup> , R-4	10	75
	S <sup>b,d</sup>	29	75
Second story above grade plane	B, F, M, S <sup>d</sup>	29	75
Third story above grade plane and higher	NP	NA	NA

For SI: 1 foot = 304.8 mm.

NP = Not Permitted.

NA = Not Applicable.

a. Buildings classified as Group R-2 equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 and provided with emergency escape and rescue openings in accordance with Section 1030.

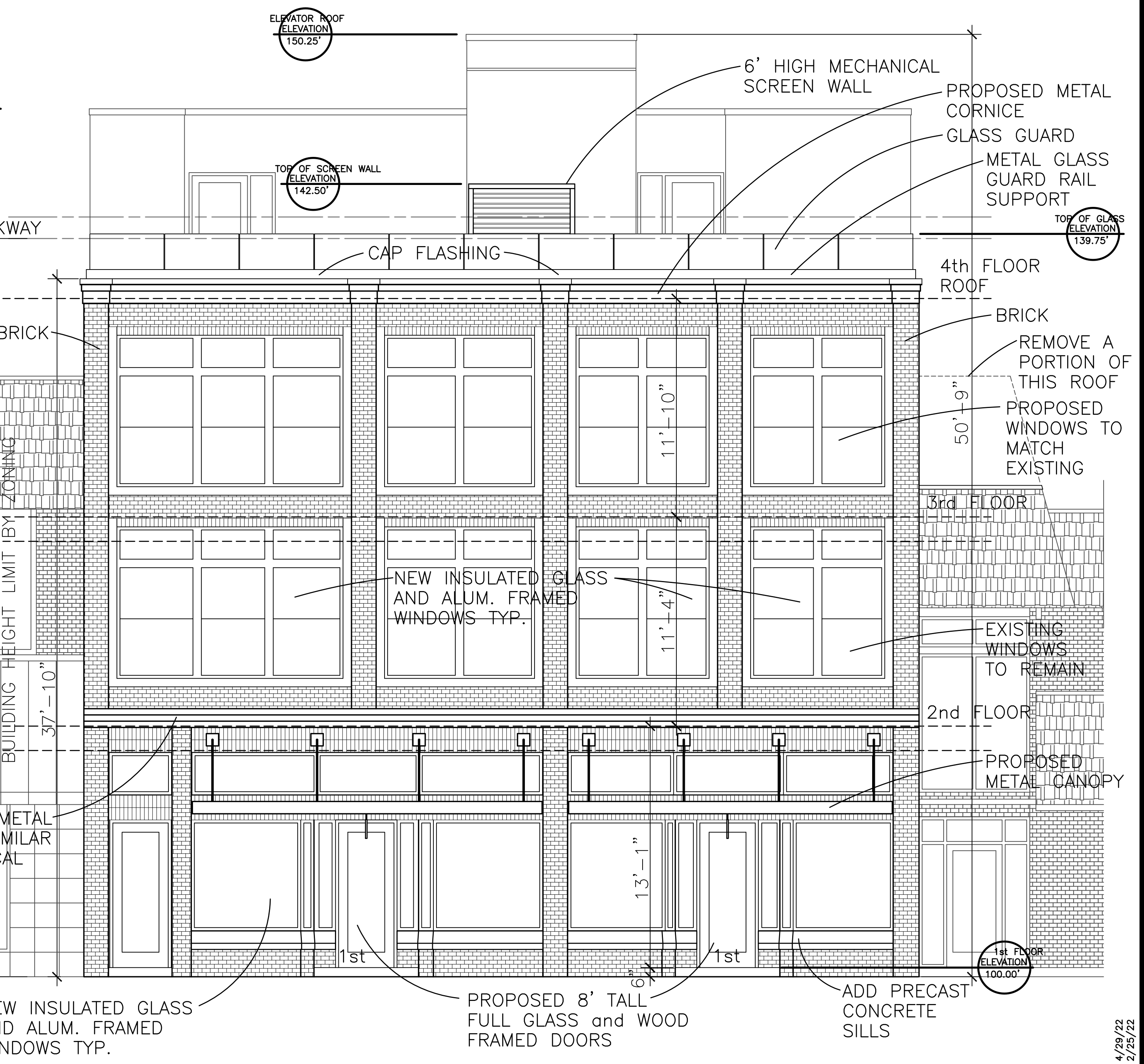
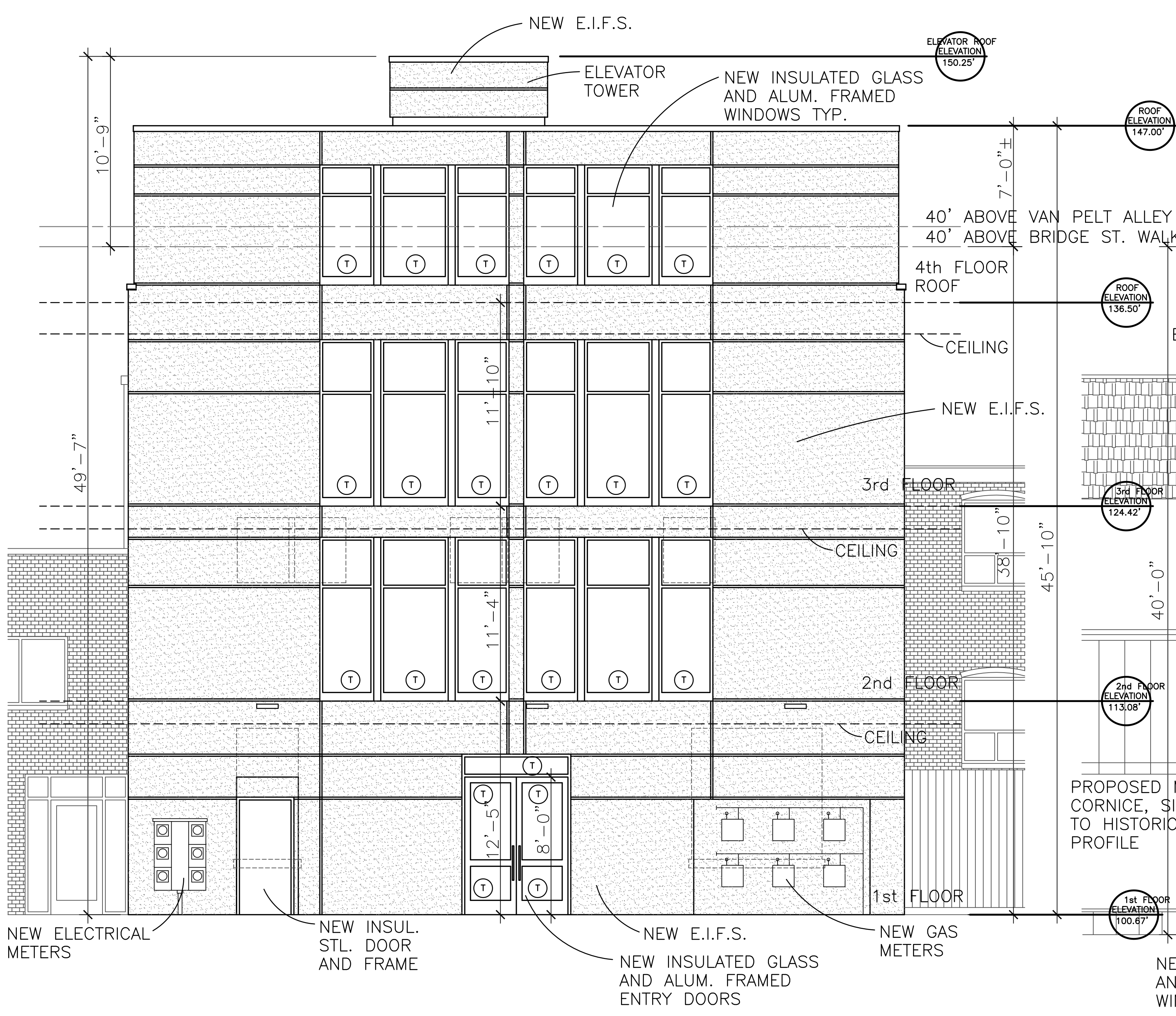
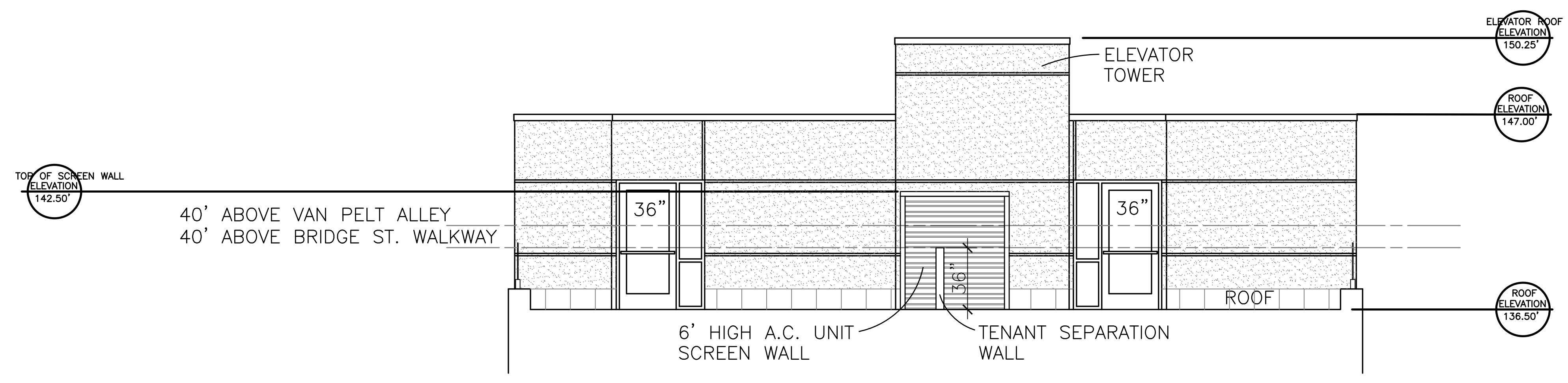
b. Group B, F and S occupancies in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 shall have a maximum exit access travel distance of 100 feet.

c. This table is used for R-2 occupancies consisting of sleeping units. For R-2 occupancies consisting of dwelling units, use Table 1006.3.2(1).

d. The length of exit access travel distance in a Group S-2 open parking garage shall be not more than 100 feet.





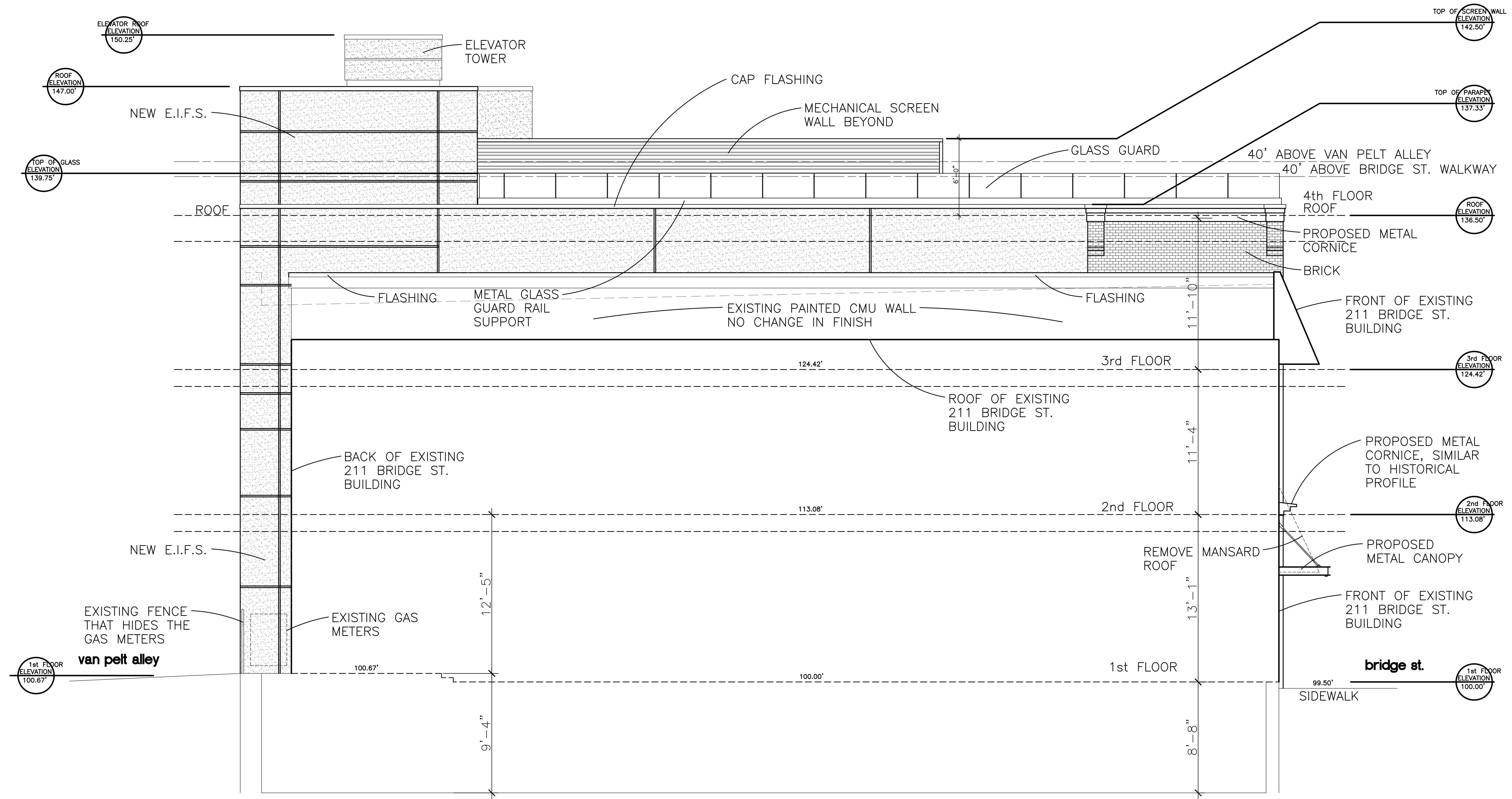


**1**  
**A4**  
**PROPOSED ALLEY (BACK) ELEVATION**  
 SCALE: 1/4"=1'-0"

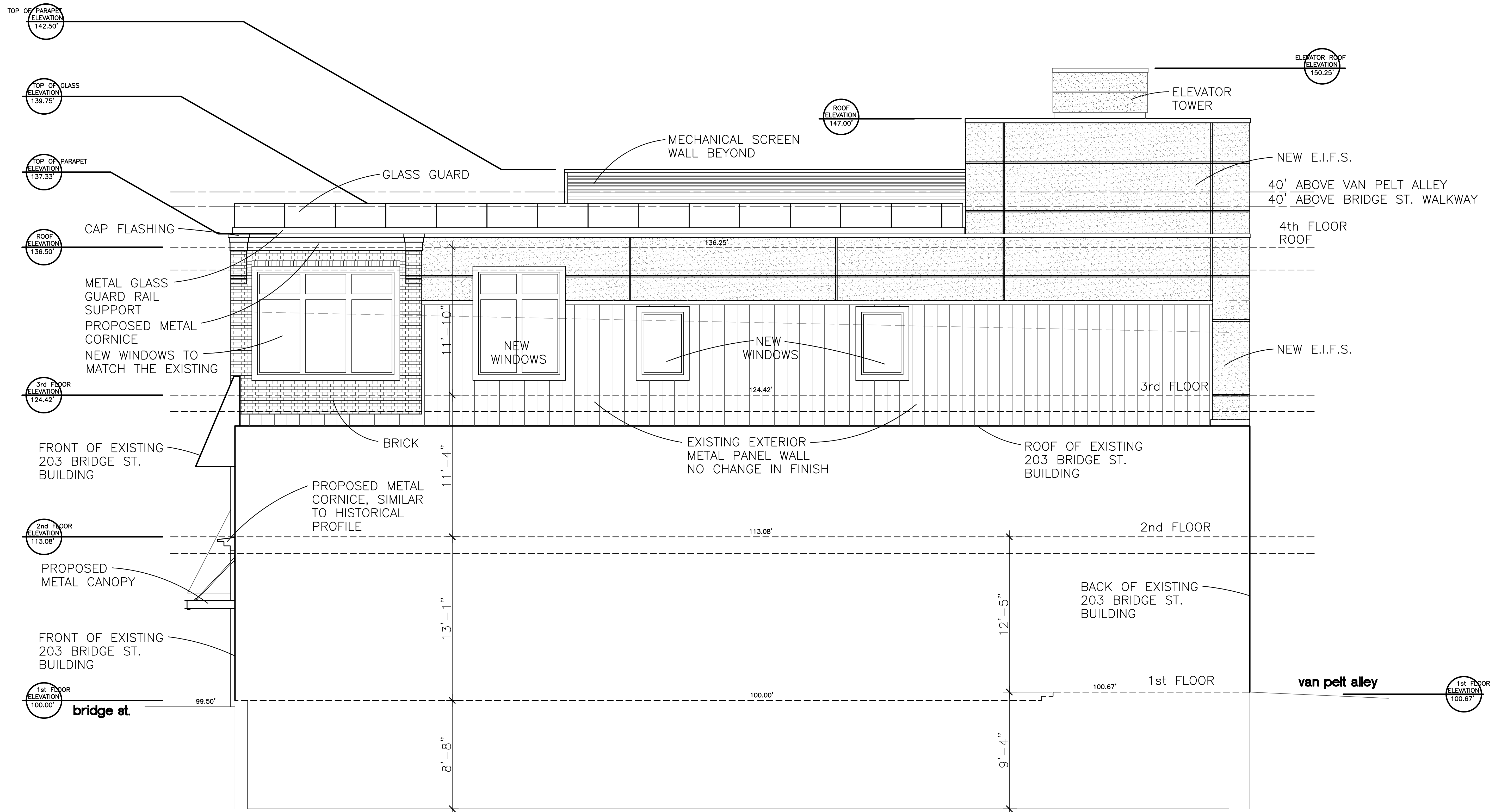
**2**  
**A4**  
**PROPOSED BRIDGE ST. (FRONT) ELEVATION**  
 SCALE: 1/4"=1'-0"

TO OWNER: 4/29/22  
 TO OWNER: 2/25/22

TO OWNER: 4/29/22  
 TO OWNER: 2/25/22



**1 PROPOSED (SOUTH) ELEVATION**  
 SCALE: 1/4"=1'-0"



**1** PROPOSED (NORTH) ELEVATION  
**A6** SCALE: 1/4"=1'-0"

TO OWNER: 4/29/22  
 TO OWNER: 2/25/22





OFFICE OF PLANNING AND ZONING  
 Janet Koch, Zoning Administrator  
 210 State Street Charlevoix, MI. 49720  
[planner@charlevoixmi.gov](mailto:planner@charlevoixmi.gov)  
 Phone: (231)547-3265

## ZONING BOARD OF APPEALS STAFF REPORT

<b>AGENDA TITLE:</b>	<b><u>ZBA 22-07 Variance Request for 103 Grant Street</u></b>
<b>PUBLIC MEETING DATE:</b>	May 18, 2022, 6:00 PM
<b>PRESENTED BY:</b>	Janet Koch, Zoning Administrator

<b>EXHIBITS:</b>	<ol style="list-style-type: none"> <li><b>1. Variance application form dated 4-28-2022</b></li> <li><b>2. Site Plan (proposed)</b></li> <li><b>3. Position paper from applicant representative</b></li> <li><b>4. Property deed</b></li> <li><b>5. Written public comment (2)</b></li> <li><b>6. City of Charlevoix Zoning Ordinance, adopted 1-17-2022</b></li> </ol>
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### 1. PROPOSAL

The applicant is proposing to split an existing lot with two primary structures into two lots with one primary structure on each lot on parcel ID # 052-252-002-00. The applicant is requesting a variance from Section 153.072 (a) of the City of Charlevoix Zoning Ordinance which defines the dimensional requirements for minimum lot size. The variance requested is 3,042 square feet. The standards for minimum lot size in the R-2 District is 6,000 square feet.

The purpose of this Staff Report is to evaluate this proposal against the procedures and criteria outlined in Chapter 153, Section 153.035-153.042 of the City of Charlevoix Zoning Ordinance.

### 2. SITE

The subject property is located in the R-2 Zoning District at 103 Grant Street. The property has also been assigned an additional address of 101 Grant Street for the small northern residence. The legal description is EARL YOUNG HISTORICAL DISTRICT LOT 2 BLOCK 12 OF ORIG PLAT OF VILL (NOW CITY) OF CX.

The parcel has been surveyed as 66.25' x 155.35' for a total square footage of 10,291.94. The parcel consists of one platted lot and is on average similar to most other lots but smaller than many parcels in the R-2 District.



*Aerial imagery obtained from Charlevoix County website 5-11-2022*



*Aerial imagery obtained from Google Earth 5-11-2022*



*Photos of 103 Grant taken on 5-11-2022*



*Photos of 101 Grant taken on 5-11-2022*

### **3. BACKGROUND**

The variance application was originally submitted on April 28, 2022. The notice of public hearing was published in the Charlevoix *Courier* on April 30, 2022. The notice to property owners/occupants within 300 feet of this parcel was sent out on May 3, 2022.

The proposed site plan, included with the agenda packet, shows specific lot size, setback figures and lot coverage that are being proposed. Two members of the public have

submitted public comment; these are included in the agenda packet. Lindsey Dotson, DDA Main Street Director, who staffs the Historic District Commission, was contacted regarding the application. Ms. Dotson indicated that there is no requirement for that commission to approve the parcel split as their responsibility regards physical changes.

#### **4. STAFF ANALYSIS**

Staff has reviewed this proposal; the analysis concerning this variance request is that the ZBA will have to evaluate the findings of fact below. The Land Division Act 288 of 1967 has been reviewed and the application does not appear to violate the Land Division Act. However, staff continues to review the Act and will bring any concerns to the meeting.

#### **5. REVIEW STANDARDS - FINDINGS OF FACT**

During the public hearing on May 18, 2022, the role of the ZBA is to make findings of fact to determine if each variance proposal meets each of the following standards. **The ZBA must find that each variance proposal meets all the following standards based on findings of fact before considering a motion to approve.** Staff has written the following recommended findings of fact as a starting point. The ZBA may add, modify, or delete any of the following findings during the meeting

General findings of fact:

- (1) Request is a variance from the required 6,000 sft minimum lot area required in the R-2 Zoning District of Table 153.072(a)
- (2) Request is a variance from the 50' minimum lot width requirements of Table 153.072(a)

The following italicized text is taken directly from the §154.08 of the Zoning Ordinance:

- (A) *If a lot, parcel or tract of land that will result from a division or property transfer does not meet the requirements of Chapter 153 of this code of ordinances as specified in § (B) of this chapter, then the applicant may seek a variance from those zoning requirements from the Zoning Board of Appeals pursuant to the procedures of Chapter 153 of this code of ordinances.*
- (B) *If a lot, parcel or tract of land that will result from a division does not meet the depth to width requirements of § 154.06(D) of this chapter, then the applicant may seek a variance from those requirements from the Zoning Board of Appeals pursuant to the procedures of this section.*
- (C) *The Zoning Board of Appeals may grant a variance under this chapter from the depth to width requirement of § 154.06(D) of this chapter, **if all of the following exist:***
  - (1) *Exceptional or extraordinary circumstances or conditions exist on the parent parcel, including exceptional topographic or physical conditions, that do not generally apply to other lots, parcels or tracts of land in the city;*

The ZBA finds that the need for the requested variance is due to unique circumstances and physical conditions of the property including exceptional narrowness, and small size.

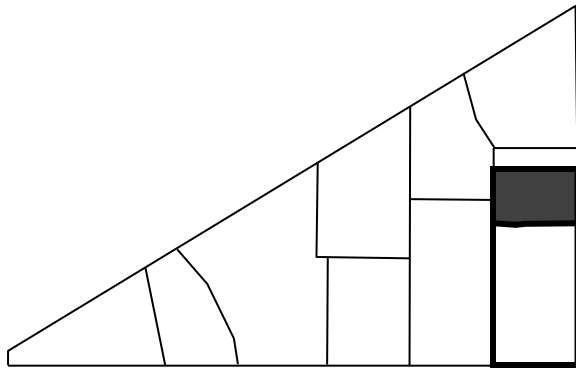
- (2) *The exceptional or extraordinary circumstances or conditions existing on the parent parcel are not the result of any act or omission by the applicant or his or her predecessors in title;*

The ZBA finds that this standard is met as the parcel has had two homes on it for a number of decades.

- (3) *The granting of the variance shall not be injurious or otherwise detrimental to adjoining lots, parcels or tracts of land or to the general health, safety and general welfare of the city;*

The ZBA finds that the variance request will not negatively affect public safety and welfare. Standard is met.

- (4) *The resulting lots, parcels or tracts of land with the variance granted shall be compatible with surrounding lots, parcels or tracts of land;*



The sketch to the left shows the general size of the proposed parcel split in relation to the size of the other parcels in the block:

A block to the southwest (bounded by Mason, Sherman, and Park) is of similar triangular shape. That block also contains a number of very small parcels.

- (5) *The variance granted shall be the minimum variance that will make possible the reasonable use of the parent parcel.*

Though it is possible to reduce the size of the parent parcel, a reduction to the minimum lot size of 6,000 sft will still not bring the newly created parcel into area compliance. However, it could be possible to increase the lot width of the newly created parcel to the minimum required 50 feet. The applicant's representative has indicated that the surveyor will be present at the meeting to address this concern.

## **6. CONDITIONS OF APPROVAL**

§154.08 (E) of the Zoning Ordinance states the following:

*In granting any variance under this chapter, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in order to ensure that the lot, parcel or tract of land that will result from the division or property transfer complies with the variance granted under this chapter. Violations of such conditions and safeguards shall be deemed a violation of this chapter, punishable under § 154.99 of this chapter.*

Staff recommends that the ZBA, if considering approval of the property split, require that approval be contingent upon obtaining an abandonment of the alley and that the alley's south half (8') be included as part of the northern parcel. This would increase the proposed split parcel by approximately 530 square feet.

## **7. ZBA ROLE AND OPTIONS**

The City of Charlevoix Zoning Board of Appeals has the following options for the variance application, project number 22-07 ZBA:

1. Deny project 22-07 ZBA based on specific findings of fact that prove the project does not meet the review standards in 153.038 (F).
2. Approve project 22-07 ZBA without conditions, based on specific findings of fact that prove the project does meet the review standards in 153.038 (F).
3. Approve project 22-07 ZBA with conditions, based on specific findings of fact that prove the project does meet the review standards in 153.038 (F).
4. Table the decision on project 22-07 ZBA.



# CITY OF CHARLEVOIX

210 State Street Charlevoix, MI 49720  
www.charlevoixmi.gov

Case No.:	_____
Date Received:	_____
Decision Date:	_____

Office of Planning and Zoning (231) 547-3265  
Planner@Charlevoixmi.gov

## Zoning Board of Appeals Application

<input checked="" type="checkbox"/> Dimensional Variance	<input type="checkbox"/> Interpretation of Zoning Text or Map
<input type="checkbox"/> Use Variance	<input type="checkbox"/> Administrative Decision Appeal
<input type="checkbox"/> Sign Variance	<input type="checkbox"/> Other _____

Applicant Name: Maurine Watts, Trustee  
 Street Address: 12656 Twin Pines Dr  
 City: Charlevoix State: MI Zip code: 49720  
 Phone Number(s): 231-330-2223 E-mail: wattsmm119@gmail.com

I hereby attest that all information on this application is, to the best of my knowledge, true and accurate.

Signature: Maurine Watts by Mary K Gelski Date: 04/28/2022  
 Applicant is the:  Owner  Adjacent Property Owner  Other \_\_\_\_\_

Property Owner's Name (if different from applicant): \_\_\_\_\_  
 Street Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip code: \_\_\_\_\_  
 Phone Number(s): \_\_\_\_\_ E-mail: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I hereby grant permission for members of the City of Charlevoix (Planning Commission) (Staff) to enter the property described below (or as described in the attached) for the purpose of gathering information related to this application. (Note to applicant: This is optional and will not affect any decision on your application)

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Subject Parcel Location or Address: 103 Grant St  
 Subject Parcel Number: 052-252-002-00

Explanation of Request: Applicant requests waiver of minimum lot size and lot coverage requirements to permit a division of the lot so that each lot will have only one dwelling thereon.

**Action Requested:**

- To grant a variance to certain requirements of the zoning ordinance, (parking, setbacks, lot size, height, floor area, sign regulations, location of accessory buildings, maximum amount of lot coverage, etc.). Specify the section and specific regulations a variance is being sought from.  
The Section is: \_\_\_\_\_
- To interpret a particular section of the ordinance:  
The Section is: \_\_\_\_\_
- To interpret the zoning map. Describe the portion of the zoning map in question (attach detail maps if applicable): \_\_\_\_\_
- To overturn an action of the zoning administrator. The zoning administrator erred (did not issue a permit, issued a permit, enforcement): \_\_\_\_\_

CITY OF CHARLEVOIX

PARCEL DIVISION APPLICATION

PARCEL DIVISION FEE \$125.00

Fee Received By

The applicant must complete this form and supply the necessary documentation as set forth in Section 5.305 of the Parcel Division Ordinance, Title V, Chapter 53.

I. Name of Owner: Maurine Watts, Trustee

Address: 12656 Twin Pines Dr Charlevoix 49720

Phone Number: 231.330.2223

Property Address: 103 Grant St

II. Name of all persons having an interest in the lot, parcel, or tract of land to be divided, if other than the owner:

Name: Rebecca Wallace Beatty, Trustee

Address: 7624 Pike Ct

Phone Number: Arvada CO 80007

III. History of all prior divisions of the parent parcel:

None known

IV. Requirements:

Current Tax ID#'s 052-252-002-00 Current Zoning: R-2

Proposed Use: R-2

IV. DOCUMENT CHECK LIST:

- \_\_\_ 1. Application and fee
- \_\_\_ 2. Proof of ownership (warranty deed, land contract or title commitment).
- \_\_\_ 3. Certified Survey:
  - \_\_\_ a. Existing lot dimensions
  - \_\_\_ b. Proposed lot dimensions
  - \_\_\_ c. Easement locations
  - \_\_\_ d. Utility locations & ingress/egress
  - \_\_\_ e. Building/structure locations
  - \_\_\_ f. Distances between structures (prior to division)
  - \_\_\_ g. distances between structures (after division)
- \_\_\_ 4. Site staking
- \_\_\_ 5. Legal description before division
- \_\_\_ 6. Legal description after division
- \_\_\_ 7. Adequate permanent access

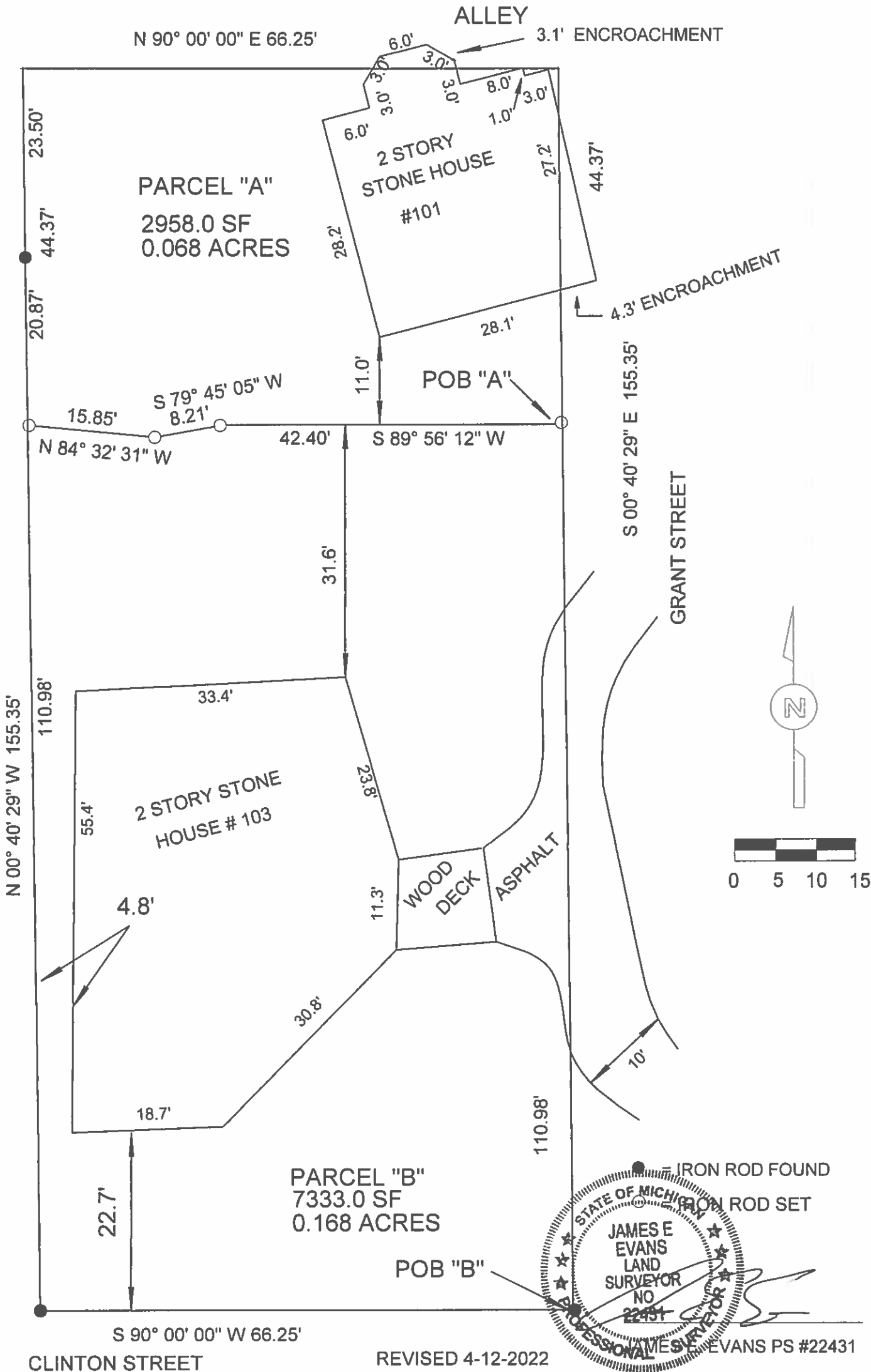
NOTE: Approval of an application for a division or property transfer by the Zoning Administrator under Section 5.305(c) shall expire and a new approval shall be required after ninety (90) days from the date of the approval, unless the Applicant records in the Charlevoix County Register of Deeds Office an instrument(s) of conveyance documenting the division or property transfer and files a copy of that recorded instrument(s) with the Zoning Administrator.

The undersigned declare(s) under the penalties of perjury that the foregoing application has been examined by me (us) and that the contents, therefore, are true to the best of my (our) knowledge, information and belief.

Maurine Watts by Harry K. Gotschi,  
Signature of Applicant *attorney*

Signature of Owner, if different

**CERTIFIED BOUNDARY SURVEY**  
 LOT 2 of BLOCK 12, ORIGINAL VILLAGE OF CHARLEVOIX  
 NOW THE CITY OF CHARLEVOIX



**JAMES E. EVANS**  
 LAND SURVEYOR  
 NO. 22431  
 PROFESSIONAL SURVEYOR  
 EVANS PS #22431

REVISED 4-12-2022

<b>JAMES E. EVANS SURVEYING, LLC</b> 06273 MAPLE GROVE ROAD CHARLEVOIX, MICHIGAN 49720 PH 231-547-1776 CELL 231-675-7145 jameseevans48@gmail.com	<b>FOR:</b> STEVE ANDREAE c/o Pat O'Brien Real Estate 701 S. Bridge Street Charlevoix, Michigan 49720	DATE:	DRAWING No.
		02-28-2022	562
		SCALE:	SHEET 1 of 1
		1" = 15'	

LEGAL DESCRIPTION OF PARCEL "A":

Land situated in the City of Charlevoix, Charlevoix County, Michigan:

The North 44.37 feet of Lot 2 of Block 12 of the original Village of Charlevoix, now the City of Charlevoix described as follows:


Commencing at the Southeast corner of Lot 2 of Block 12; thence North 00° 40' 29" West along the West line of Grant Street 110.98 feet to the POINT OF BEGINNING; thence South 89° 56' 12" West 42.40 feet to an iron rod; thence South 79° 45' 05" West 8.21 feet to an iron rod; thence North 84° 32' 31" West 15.85 feet to an iron rod; thence North 00° 40' 29" West 44.37 feet to the North line of said lot; thence North 90° 00' 00" East along the North line of said lot and the South line of an alley 66.25 feet to the West line of Grant Street; thence South 00° 40' 29" East 44.37 feet to the POINT OF BEGINNING. Containing 2958.00 square feet (0.068 acres) and subject to easements and restrictions of record.

LEGAL DESCRIPTION OF PARCEL "B":

Land situated in the City of Charlevoix, Charlevoix County, Michigan:

The South 110.98 feet of Lot 2 of Block 12 of the original Village of Charlevoix, now the City of Charlevoix described as follows:

BEGINNING at the Southeast corner of Lot 2 of Block 12; thence South 90° 00' 00" West along the North line of Clinton Street 66.25 feet to an iron rod; thence North 00° 40' 29" West 110.98 feet to an iron rod; thence South 84° 32' 31" East 15.85 feet to an iron rod; thence North 79° 45' 05" East 8.21 feet; thence North 89° 56' 12" East 42.40 feet to an iron rod on the West line of Grant Street; thence South 00° 40' 29" East 110.98 feet to the POINT OF BEGINNING. Containing 7333.00 square feet (0.168 acres) and subject to easements and restrictions of record.



James E. Evans PS #22431

CITY OF CHARLEVOIX  
ZONING BOARD OF APPEALS

In the matter of MAURINE WALLACE WATTS and REBECCA WATTS BEATTIE, Petitioners.

Property address        103 Grant Street  
  
                                 Lot 2, Block 12 of the Village of Charlevoix

REQUEST FOR LOT AREA, LOT WIDTH, FRONT AND NORTH SIDE YARD VARIANCES

Many years before zoning came to the City of Charlevoix, Earl Young created two single family residences on Lot 2, Block 12 of the Village of Charlevoix, which is now known as 103 Grant Street. From documents on record with the Charlevoix County Register of Deeds, it appears that the parcel contained two addresses, 301 Clinton Street and 101 Grant Street, when Lawrence and Jeannine Wallace acquired the property in July 1964. It appears that for at least the last 57+ years, the Lot 2 of Block 12 contained two separate residences on the single lot.

Following the passing of Jeannine in 2021, her trust transferred the property to her two daughters, Maurine Wallace Watts and Rebecca Wallace Beattie. The owners now wish to split Lot 2 so that each structure will be on its own lot.

Approval of the lot split will require application to, and approval by, the Zoning Administrator per Section 154.05. In its review, the Zoning Administrator is required to apply the standards contained in Section 154.06(B) to ensure that the resulting parcels will comply with all requirements of the Zoning Ordinance, include area, width and all setbacks of structures located on the newly created lots. The area requirement (6,000 sq ft) and the lot width requirement (50 ft) for parcels located in the R-2 Zoning District are contained in Table 153.072(a). The front (15 ft) and side yard (8 ft) setback requirements for parcels located in the R-2 Zoning District are contained in Table 153.072(b).

Given the physical dimensions of the existing structures, without area, lot width and setback variances, the lot split would necessarily be denied. Therefore, owners are seeking variances for area, lot width and setback (front and north side yard) requirements so that their application for a lot split can be favorably considered.

The dimensional variances may be granted by the ZBA in accordance with the standards set forth in Section 153.038(F), including

- a. Extraordinary circumstances

- b. Substantial justice
- c. Impact on the surrounding neighborhood
- d. Public policy and welfare, and
- e. Not self-created.

It should be noted that the granting of the requested variances will not create or expand any current non-conforming use and will simply legally acknowledge the circumstances which have existed for upwards of fifty-eight years. Furthermore, the granting of the requested variances and the proposed lot split will bring this parcel into compliance with the “one lot, one building” mandate of Section 153.141(E).

Respectfully submitted,

Harry K. Golski (P25177)  
Attorney for Petitioners  
203 Mason Street  
Charlevoix, MI 49720  
231.547.0099

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2021 DEC - 8 AM 10:25

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STATE OF MICHIGAN, COUNTY OF CHARLEVOIX  
SHIRLEY M. COBLENTZ, REGISTER OF DEEDS

12/28/2021 09:52:38 AM PAGES: 3



2021 DEC 28 AM 9:40

RECEIVED CHARLEVOIX CO.

**TRUSTEE'S DEED**

KNOW ALL MEN BY THESE PRESENTS that the following Grantor:

**Maurine Watts of Charlevoix, MI, and Rebecca Beattie of Arvada, CO, as trustees of the JEANNINE L. WALLACE REVOCABLE LIVING TRUST u/t/a dated June 21, 1990 (as restated 07/15/98),**

HEREBY QUITCLAIMS to:

**MAURINE WALLACE WATTS REVOCABLE TRUST and REBECCA WALLACE BEATTIE REVOCABLE TRUST, as tenants in common, whose address is 12656 Twin Pines Drive, Charlevoix, MI 49720, Grantees, the following described land and premises situated in the City of Charlevoix, County of Charlevoix, State of Michigan, to-wit:**

Lot 2, Block 12 of the Original Plat of the City of Charlevoix, according to the Recorded plat thereof.

(Tax Roll #15 052 252 002 00)

together with all the hereditaments and appurtenances belonging or in anywise appertaining, to have and to hold the said premises to the Grantees, their heirs and assigns, subject to easements, restrictions and reservations of prior record; for the full consideration of less than ONE HUNDRED DOLLARS (\$100.00).

THIS TRANSFER IS TAX-EXEMPT PURSUANT TO MCLA 207.505 Sec. 5(a), and MCLA 207.526 Sec. 6(a). A REAL ESTATE TRANSFER VALUATION AFFIDAVIT IS FILED HERewith.

THE FOLLOWING APPLIES IN THE EVENT THIS PROPERTY IS LOCATED WITHIN THE VICINITY OF FARMLAND OR FARM OPERATION: GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES WHICH MAY GENERATE NOISE, DUST, ODORS AND OTHER ASSOCIATED CONDITIONS MAY BE USED AND ARE PROTECTED BY THE MICHIGAN RIGHT TO FARM ACT.

THE GRANTOR GRANTS TO THE GRANTEE THE RIGHT TO MAKE ALL LAWFUL DIVISIONS UNDER SECTION 108 OF THE LAND DIVISION ACT (ACT NO. 288 OF THE PUBLIC ACTS OF 1967, AS AMENDED).

SIGNED this 18<sup>th</sup> day of November, 2021.

Maurine Watts

Maurine Watts, Trustee of the Jeannine L. Wallace Revocable Living Trust u/v/a dated June 21, 1990 (as restated July 15, 1998)

Rebecca Beattie

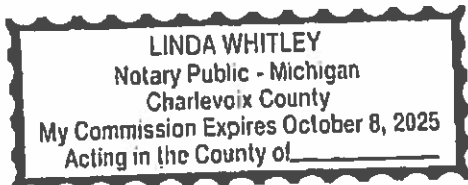
Rebecca Beattie, Trustee of the Jeannine L. Wallace Revocable Living Trust u/v/a dated June 21, 1990 (as restated July 15, 1998)

STATE OF MICHIGAN )  
 ) ss.  
COUNTY OF CHARLEVOIX )

The foregoing instrument was acknowledged before me this 18 day of November, 2021, by Maurine Watts, Trustee of the Jeannine L. Wallace Revocable Living Trust u/v/a dated June 21, 1990 (as restated July 15, 1998).

WITNESS my hand and official seal.

My commission expires: 10-8-25



Linda Whitley  
Notary Public



STATE OF MICHIGAN )  
 ) ss.  
COUNTY OF CHARLEVOIX )

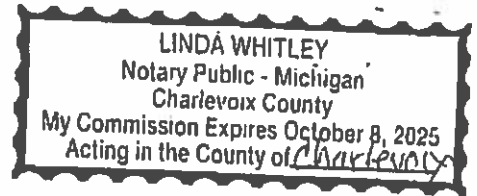
The foregoing instrument was acknowledged before me this 18 day of November 2021, by Rebecca Beattie, Trustee of the Jeannine L. Wallace Revocable Living Trust w/a dated June 21, 1990 (as restated July 15, 1998).

WITNESS my hand and official seal.

My commission expires: 10-8-25

*Linda Whitley*  
Notary Public

Drafted by:  
Rebecca Wallace Beattie  
Wallace Beattie Law Firm  
6390 Gardenia Street, #150  
Arvada, CO 80004





OFFICE OF PLANNING AND ZONING  
Janet Koch, Zoning Administrator  
210 State Street Charlevoix, MI. 49720  
[planner@charlevoixmi.gov](mailto:planner@charlevoixmi.gov)  
(231) 547-3265

May 2, 2022

## NOTICE OF PUBLIC HEARING

Zoning Board of Appeals  
Charlevoix City Hall- Council Chambers 2<sup>nd</sup> Floor  
210 State Street  
Charlevoix, MI 49720

CASE NUMBER: 22-07 ZBA  
TAX ID #: 052-252-002-00  
APPLICANT: Harry Golski, PLC  
PROPERTY ADDRESS: 103 Grant Street

The Charlevoix City Zoning Board of Appeals will hold a public hearing on Wednesday, May 18, 2022, at 6 PM in the Charlevoix City Hall Council Chambers to evaluate a variance application Harry Golski, PLC. The applicant is requesting a variance to split a lot that when finalized will not meet the minimum lot size of 6,000 square feet per requirements as defined in 153.072 (a) of the Zoning Ordinance. The property is zoned residential R-2. The applicant is proposing to split an existing lot with two single family homes into two lots with one home on each lot. The Board of Appeals may approve, approve with reasonable conditions, or deny the application based on specific findings of fact.

Written and oral comments from the public are welcome. Written comments can be mailed or e-mailed to the City Planner at the above address and received by 4:00 PM the day of the meeting. The case file and plans may be viewed at the City Planning Office at City Hall between the hours of 8 AM to 5 PM Monday through Friday by appointment.

Janet Koch  
Zoning Administrator

*I am opposed to this variance application. Today the lots are too small. Please do not approve this change. Park Avenue is much too crowded as it is.*  
Pat Rayer  
223 Park Ave

RECEIVED  
MAY 03 2022  
By: Zoning

Haggard's  
PLUMBING  
& HEATING

May 2, 2022

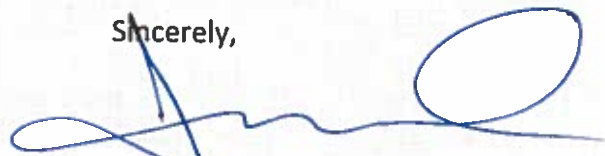
Charlevoix City Hall  
210 State St.  
Charlevoix, MI 49720

Ref: Applicant Harry Golski, PLC requesting a variance to split a lot that when finalized will not meet the minimum lot size of 6,000sq. Case# 22-07 ZBA Parcel#052-252-00200 Property Address: 103 Grant St.

To whom it May Concerns,

Upon reviewing the above notice, I would like to express my view on the above plan request. Haggard's Plumbing & Heating is not opposed to the changes of the property and/or the request to the Zoning Board. If a property owner is fortunate enough to have the ability and the recourses in this time to either build and/or improve their existing property, it would only help the economy continue to grow. It would prove positive for the local, county, and state to do all we can to improve and promote in anyways possible.

Sincerely,



John Haggard

*Haggard's Plumbing & Heating*



OFFICE OF PLANNING AND ZONING  
 Janet Koch, Zoning Administrator  
 210 State Street Charlevoix, MI. 49720  
[planner@charlevoixmi.gov](mailto:planner@charlevoixmi.gov)  
 Phone: (231)547-3265

**ZONING BOARD OF APPEALS  
 STAFF REPORT**

<b>AGENDA TITLE:</b>	<b><u>ZBA 22-04 Variance Request for 217 W. Garfield</u></b>
<b>PUBLIC MEETING DATE:</b>	May 18, 2022, 6:00 PM
<b>PRESENTED BY:</b>	Janet Koch, Zoning Administrator.

<b>EXHIBITS:</b>	<ol style="list-style-type: none"> <li><b>1. Variance application form dated 4-18-2022</b></li> <li><b>2. Site sketches from applicant</b></li> <li><b>3. Site Plan (proposed)</b></li> <li><b>4. Narrative from applicant</b></li> <li><b>5. Public comment letter</b></li> <li><b>6. City of Charlevoix Zoning Ordinance, adopted 1-17-2022</b></li> </ol>
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**1. PROPOSAL**

The applicant is proposing to construct an attached garage on parcel ID # 052-270-245-00. The applicant is requesting a variance from §153.117(D)9(b) of the City of Charlevoix Zoning Ordinance which defines the dimensional requirements for accessory building (garage). The variance requested is a setback variance of 8.7 feet. The standards for an attached accessory building in the R-2 District are:

Front yard setback .....	15 feet	Side yard setback.....	8 feet
Front/side yard setback .....	15 feet	Rear yard setback .....	25 feet

The purpose of this Staff Report is to evaluate this proposal against the procedures and criteria outlined in Chapter 153, §153.072 (b) of the Zoning Ordinance.

**2. SITE**

The subject property is located at 217 W. Garfield. The legal description is Lot 245 of Upright & Hurlbut’s Addition. The parcel dimensions average 64.19 feet by 148.17 feet, totaling approximately 9,310 square feet. The parcel consists of one platted lot and is in the R-2 District. The lot has two housing units on the property, an older nonconforming mobile home and a newly remodeled home. The newly remodeled home is the structure to which this application proposes to add.

The lot is a corner lot. Due to a corner lot’s two front yards, the property could be considered to have a loss of seven feet of buildable side yard due to the ordinance’s front/side setback requirement of fifteen feet.



*Aerial imagery obtained from Charlevoix County website 5-11-2022*



*Aerial imagery obtained from Google Earth 5-11-2022*



*Photos of 217 W. Garfield taken on 5-11-2022*

**3. BACKGROUND**

The variance application was submitted on April 18, 2022. The notice of public hearing was published in the Petoskey *News Review* on April 30, 2022. Notice to property owners/occupants within 300 feet of this parcel was sent on May 3, 2022.

The Zoning Administrator reviewed this proposal. One public comment letter was received (attached with agenda packet).

**4. STAFF ANALYSIS**

Staff analysis concerning this variance request is that the ZBA will have to evaluate the findings of fact below. Staff does not have any recommended conditions of approval at this time.

**5. REVIEW STANDARDS - FINDINGS OF FACT - CONDITIONS OF APPROVAL**

During the public hearing on the May 19, 2022, the role of the ZBA is to make findings of fact to determine if each variance proposal meets each of the following standards. **The ZBA must find that each variance proposal meets all the following standards based on findings of fact before considering a motion to approve.** Staff has written the following recommended findings of fact as a starting point. The ZBA may add, modify, or delete any of the following findings during the meeting.

General findings of fact: **8.7' front/side yard variance**

The following section is taken directly from the §153.038 (F) of the Zoning Ordinance:

Dimensional Variances

*The ZBA, after holding a public hearing in accordance with the requirements of the Zoning Act, shall have the power to grant requests for dimensional variances from the provisions of this chapter where it is proved by the applicant that there are practical difficulties in the way of carrying out the strict letter of this chapter relating to the construction, equipment or alteration of buildings or structures, or of storm water management requirements so that the spirit of this chapter shall be observed, public safety secured and substantial justice done. § 153.038(F)(1)*

*§ 153.038(F)(2) states that a dimensional variance may be allowed by the ZBA only in cases where the applicant has shown a practical difficulty in the official record of the hearing. **The applicant must prove that all of the following conditions have been met.***

- (a) Extraordinary Circumstances. *Exceptional or extraordinary circumstances or conditions may include: 1) Exceptional narrowness, shallowness, small size or shape of a specific property on the effective date of this chapter; (2) Exceptional topographic conditions or other extraordinary situation on the land, building or structure; and (3) The use or development of the property immediately adjoining the property in question, whereby the literal enforcement of the requirements of this chapter would involve practical difficulties. § 153.038(F)(2)(a)*

The ZBA finds that that the need for the requested variance is due to unique circumstances and physical conditions of the property including exceptional narrowness, and small size. The parcel is less than 65 feet wide, which is smaller than many of the lots on the block and in the neighborhood. Most are 80 feet but because of the corner lot, this property has a reduced buildable area. The ZBA finds that this standard is met as the lot size is smaller than most in the R-2 District.

- (b) Substantial Justice. *Compliance with the strict letter of the restriction's governing area, setbacks, frontage, height, bulk, density or other dimensional provisions would unreasonably prevent the use of the property. Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district and such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. Any variance granted shall be the minimum necessary to allow the preservation of these substantial property rights. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance. § 153.038(F)(2)(b)*

The ZBA finds that the applicant is requesting a garage which is and has been consistently approved as a use "by right." Because of the extreme weather conditions in Charlevoix, the ZBA has historically approved most garages within the minimum variance needed.

- (c) *Impact on the Surrounding Neighborhood.* The variance will not be detrimental to adjacent property and the surrounding neighborhood or interfere with or discourage the appropriate development, continued use or value of adjacent properties and the surrounding neighborhood as compared to other uses in the neighborhood.

§153.038(F)(2)(c)

The ZBA finds that the applicants request will not have a negative impact on adjacent property owners or the neighborhood as the garage will have minimal impact and is similar to other existing accessory structures in the neighborhood.

- (d) *Public Safety and Welfare.* The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the city. §153.038(F)(2)(d)

The ZBA finds that the applicant's request will not negatively affect public safety and welfare.

- (e) *Not Self-Created.* The immediate practical difficulty causing the need for the variance request was not self-created by the applicant or previous owners of the subject property. §153.038(F)(2)(e)

The existing residence was built before any recent zoning ordinances, were legal at the time and the current owner has not added or changed any footprints of structures during his time of ownership. The applicant states in his narrative (attached) that the distance between the residence and the garage is required by the building department. The ZBA finds that the applicant's request is not self-created.

## **VI. ZBA ROLE AND OPTIONS**

The City of Charlevoix Zoning Board of Appeals has the following options for the variance application, project number 22-04 ZBA.

1. Deny project 22-04 ZBA based on specific findings of fact that prove the project does not meet the review standards in 153.038 (F).
2. Approve project 22-04 ZBA without conditions, based on specific findings of fact that prove the project does meet the review standards in 153.038 (F).
3. Approve project 22-04 ZBA with conditions, based on specific findings of fact that prove the project does meet the review standards in 153.038 (F).
4. Table the decision on project 22-01 ZBA.



# CITY OF CHARLEVOIX

OFFICE USE ONLY	
Case #	<u>281 22-04</u>
Date Rec'd	_____
Fee Rec'd	<u>4/29/22</u>
Receipt #	<u>1642637</u>

Office of Planning and Zoning  
 210 State Street Charlevoix, MI. 49720  
[planner@charlevoixmi.gov](mailto:planner@charlevoixmi.gov)  
[www.charlevoixmi.gov](http://www.charlevoixmi.gov)  
 (231)547-3265

## VARIANCE APPLICATION

Timothy SHINDORF  
 Applicant

217 W GARFIELD ST.  
 Address of subject property

Address (City/State/Zip)

TIMOTHY & CINDY SHINDORF  
 Property Owner Name (If different than applicant)

17786 170th SPRING LAKE MICH. 49456  
 Property Owner Address (City/State/Zip) (If different than address of subject property)

Property Owner Phone      Email  
(231) 258-0023      TSHINDORF0023@GMAIL.COM

Agent Phone      Email  
 (\_\_\_\_) \_\_\_\_\_

Current Zoning of subject property: SINGLE FAMILY

Current Use of Property: (Example: Single Family, Duplex, Apartments, Commercial)  
SINGLE FAMILY

Date of original construction (If known): 1910

Please describe the type of construction or proposed use for a use variance:

STICK BUILT, VINYL SIDING TO MATCH EXISTING HOUSE  
SHINGLE ROOF TO MATCH HOUSE  
BREEZE WAY AND GARAGE

Dimensions of proposed construction excluding eaves: GARAGE-24x26 - SUNROOM - 16x11'

Total square footage of proposed construction: GARAGE-24'x26' = 624 SQ FT  
SUNROOM 16'x11' = 176 SQ FT

Height of proposed construction to the top of the roof: 21'8"

Height of proposed construction to the midpoint of the roof for gabled roof: 18'8"

Roof Type: (Examples: Gable, Hip, Gambrel, Mansard, Flat) GABLE

- Variance Requested:
- Front Yard Setback 8'9" feet from front property line.
  - Rear Yard Setback \_\_\_\_\_ feet from front property line.
  - Side Yard Setback \_\_\_\_\_ feet from front property line.
  - Lot Coverage: Request \_\_\_\_\_% coverage.

Use Variance Requested: Yes  No  If yes please describe the proposed use: GARAGE & SUN PORCH

What hardship or practical difficulties exist that prevents the property owner from being able to meet the requirements of the Zoning Ordinance?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attach a scale drawing of the proposed construction. Please be as detailed as possible, as this will be used to determine if a variance can be approved in accordance with the Zoning Ordinance. Corrections or additions may be required by the Zoning Administrator to determine compliance with the Zoning Ordinance.

Include all of the following:

- Lot or parcel dimensions.
- Existing building and dimensions, excluding eaves.
- Proposed building and dimension, excluding eaves.
- Front, site, and rear yard dimensions.
- Dimensions between existing and/or proposed buildings.
- Location and dimensions of all impervious surfaces including structures, sidewalks, driveways, patios, etc.

- Name of nearest road, easement, or dedicated right-of-way.
- Scale, North arrow.

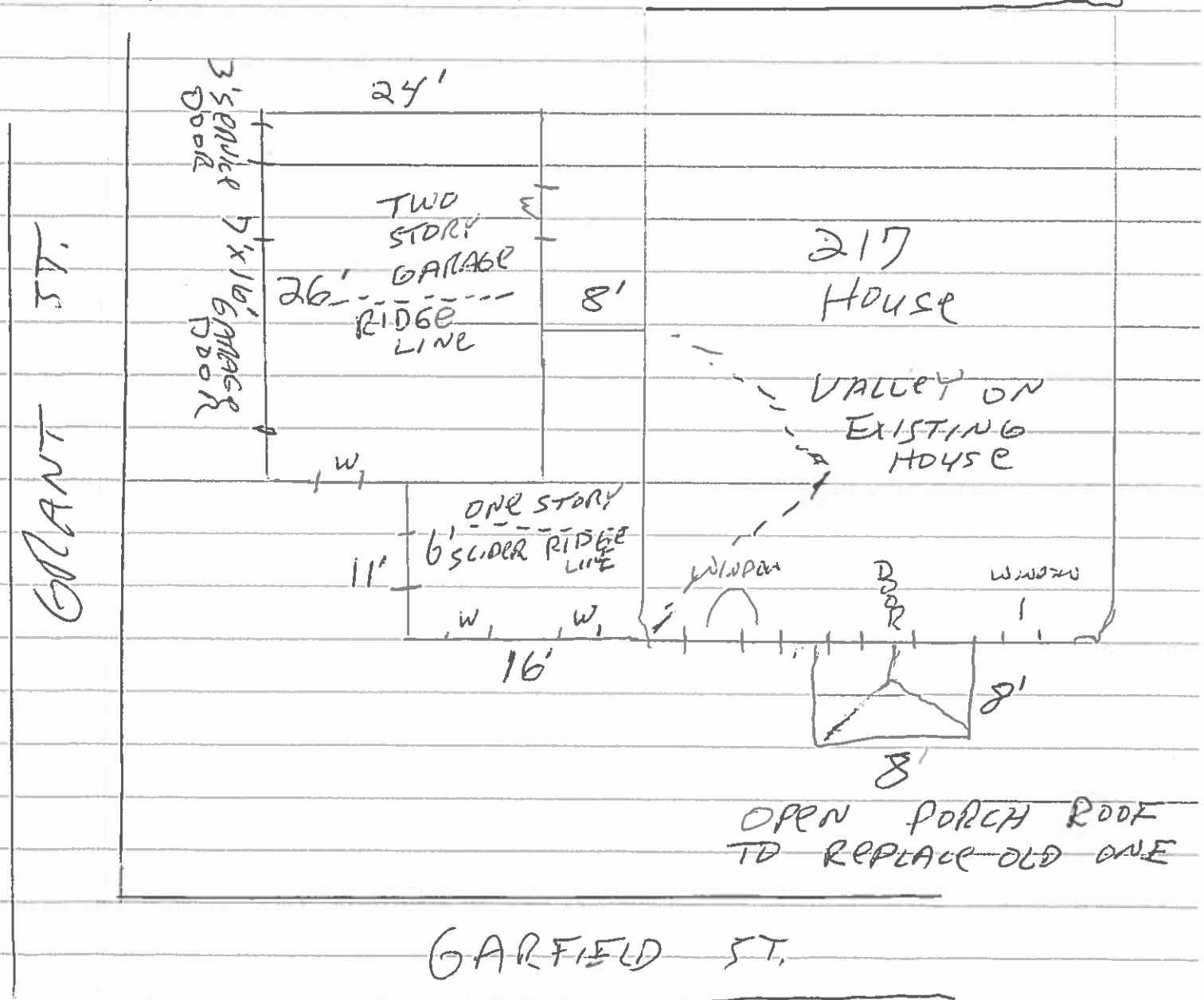
AFFIDAVIT: I agree the statements made above are true, and if found not to be true, any Zoning Board of Appeals ruling that may be issued may be void. Further, I agree that any Zoning Board of Appeals ruling and subsequent permit that may be issued is issued with the understanding that the individual(s) in receipt of that ruling/permit will comply with all applicable sections of the City of Charlevoix Zoning Ordinance. Also, I agree to notify the City of Charlevoix Zoning Administrator before the start of construction and when locations of proposed uses are marked on the ground so that the Administrator may perform a site inspection. Further, I agree to give permission for officials of the City of Charlevoix, the County, and the State of Michigan to enter the property subject to this permit application for purposes of inspection. Also, I understand any zoning action by the Zoning Board of Appeals conveys only land use rights, and does not include any representation or conveyance of rights in any other statute, building code, deed restriction, or other property rights. I understand that the ZBA may impose conditions of approval and I agree to meet those conditions as outlined in the Decision and Order.

Signed:   
Date: APRIL-18-2022

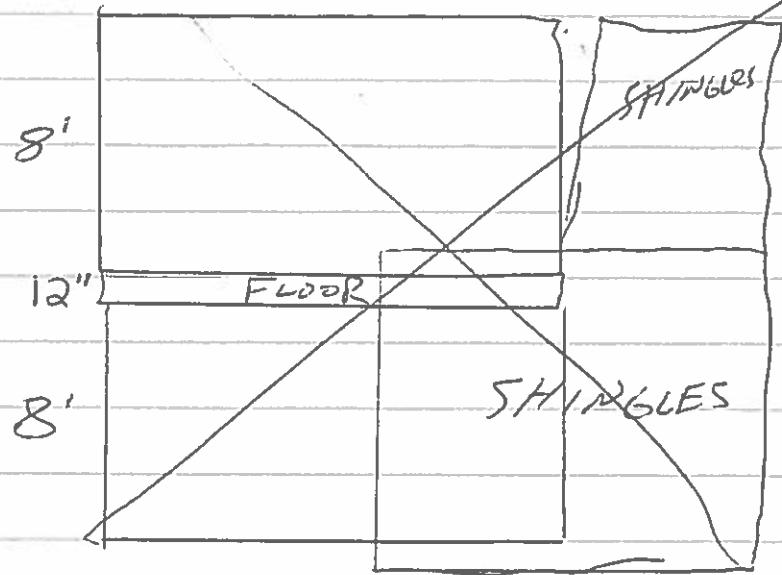


TIM & CINDY SHINDORF  
217 W. GARFIELD

4/12 - 26' TRUSSES ON GARAGE - TRUSSES 52" TALL  
FIRST FLOOR GARAGE 8' WALLS PLUS 1 COARSE BLOCKS  
SECOND FLOOR GARAGE 8' WALLS

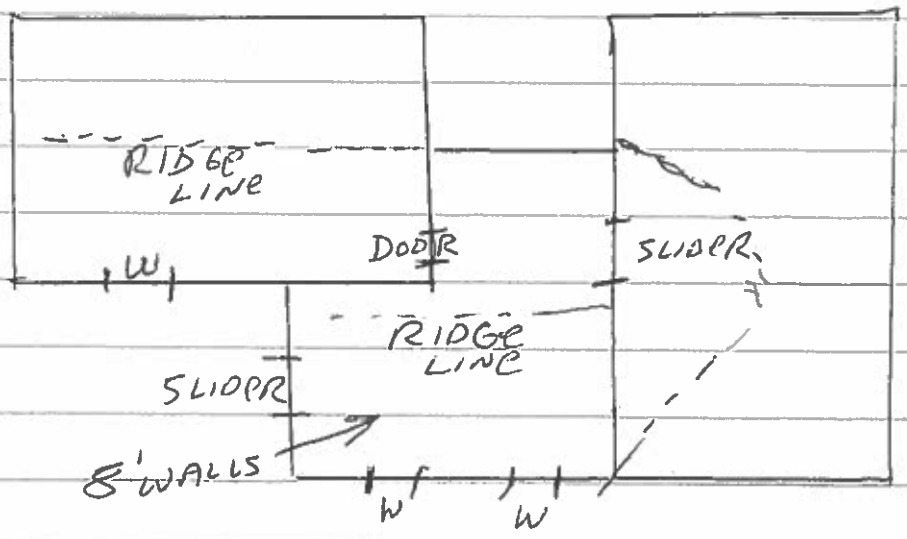
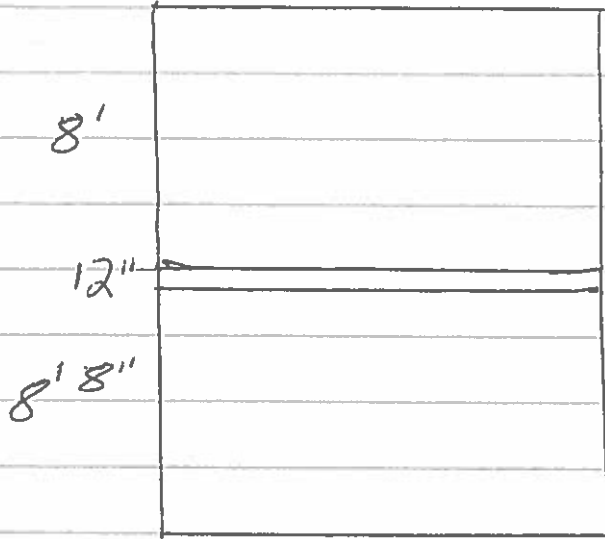


TIM & CINDY SHINDORF  
217 W GARFIELD ST.



GRANT ST.

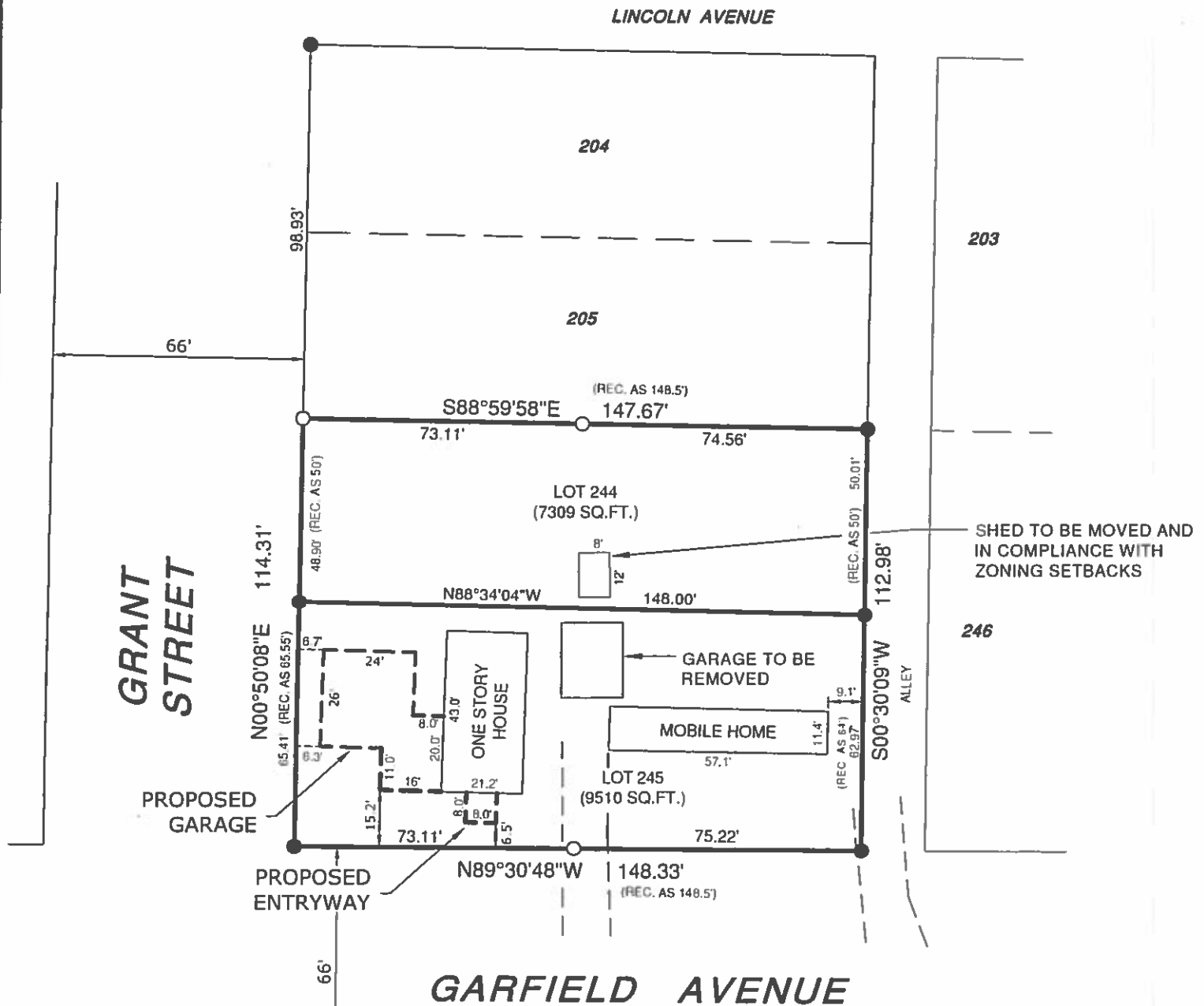
NORTH SIDE



GARFIELD ST.

# PROPOSED SITE PLAN & PARCEL RECONFIGURATION

CERTIFIED TO: TIM SHINDORF



**LEGEND:**

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. BEARINGS ARE ON AN ASSUMED BASE.
3. AREA OF PROPERTY IS 23,962 SQ.FT. (0.550 ACRES) WITHIN THE DIMENSIONED COURSES.

- FOUND IRON STAKE
- SET 1/2" ROD

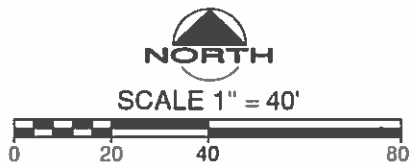


**SCOTT A. PAPINEAU** P.S. 4001050446

I HEREBY CERTIFY that I have surveyed and mapped the parcels hereon described and that the relative positional precision of each corner is within the limits accepted by the practice of professional surveying and that all the requirements of P.A. 132 of 1970, as amended, have been complied with.

**REVISED 2/24/2022**

This survey plat was prepared for the exclusive use of the person, persons, or entity named in the certification hereon. Said certificate does not extend to any unnamed third person without an express recertification by the surveyor naming said third person.



LOTS 244 & 245  
 UPRIGHT & HURLBUT'S ADD.  
 TO THE VILLAGE OF CHARLEVOIX  
 CITY OF CHARLEVOIX, CHARLEVOIX COUNTY  
 MICHIGAN

FIELD: MW	STAKED: MW	DRAWN: DDH
JOB: SB-25482c.15		DATE: OCT. 5, 2021

**FERGUSON & CHAMBERLAIN ASSOCIATES, INC.**  
**PROFESSIONAL SURVEYORS**  
 103 W. UPRIGHT STREET, CHARLEVOIX, MICHIGAN 49720  
 (231) 547-6882 - FAX (231) 547-0021  
 EMAIL: info @ fcasurveying.com

Tim & Cindy Shindorf  
217 W. Garfield  
Charlevoix

4-19-22

The house at 217 W. Garfield St. was built around 1900 to 1910 and has a foundation that consists of cement slab. and would not be approved in today's rules. I would like to add a garage with sunroom attached to existing house as showed in drawing. The sunroom allows me to dig in proper footings and blocks to only invade existing structure at two areas. One spot would be Southwest corner of existing house and other spot same wall 20' to north.

I presented my drawing to building dept. and was told everything looks good.

The space between house and garage has to be a minimum of 5 foot eave to eave. with required 12" overhang totals 7 foot.

RECEIVED  
MAY 03 2022  
BY: ZONING

Haggard's  
PLUMBING  
& HEATING

May 2, 2022

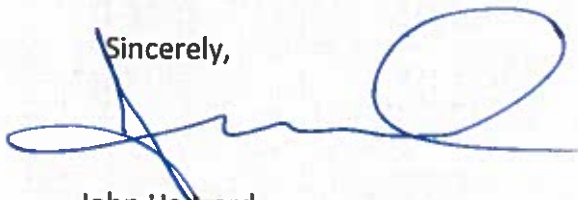
Charlevoix City Hall  
210 State St.  
Charlevoix, MI 49720

Ref: Case#22-04 ZBA Parcel#052-270-245-00 Applicant: Timothy Shindorf located at 217 W. Garfield St. the applicant is requesting a 8.7 foot variance for a side yard setback.

To whom it May Concerns,

Upon reviewing the above notice, I would like to express my view on the above plan request. Haggard's Plumbing & Heating is not opposed to the changes of the property and/or the request to the Zoning Board. If a property owner is fortunate enough to have the ability and the recourses in this time to either build and/or improve their existing property, it would only help the economy continue to grow. It would prove positive for the local, county, and state to do all we can to improve and promote in anyways possible.

Sincerely,



John Haggard

*Haggard's Plumbing & Heating*



OFFICE OF PLANNING AND ZONING  
Janet Koch, Zoning Administrator  
210 State Street Charlevoix, MI. 49720  
[planner@charlevoixmi.gov](mailto:planner@charlevoixmi.gov)  
Phone: (231)547-3265

## MEMORANDUM

May 13, 2022

To: Zoning Board of Appeals

From: Janet Koch, Zoning Administrator

Re: Agenda Item 7.C - Public Hearing for Applicant **2022-05 ZBA**. Dimensional variance request from William and Beverly Barton- 401 Antrim Street.

Due to public hearing notice considerations, staff recommends that the Zoning Board of Appeals table this agenda item and address it at the ZBA meeting of June 15, 2022.



OFFICE OF PLANNING AND ZONING  
Janet Koch, Zoning Administrator  
210 State Street Charlevoix, MI. 49720  
[planner@charlevoixmi.gov](mailto:planner@charlevoixmi.gov)  
Phone: (231)547-3265

## MEMORANDUM

May 13, 2022

To: Zoning Board of Appeals

From: Janet Koch, Zoning Administrator

Re: Agenda Item 7.D - Public Hearing for Applicant **2022-01 ZBA**. Dimensional variance request from Turn Key Property Services (Jordan Irish) – 808 E. Dixon Ave.

The combination of the filing date of this application and public noticing deadlines required a rapid publication of the public notice. Since that time, staff has determined that the proposed project does not require a variance. The property owner was contacted and the variance has been withdrawn.

No action by the ZBA is required for this agenda item.