



Agenda

City of Charlevoix Planning Commission Regular Meeting

Monday, September 12, 2022 - 6:00 PM

Council Chambers, 210 State Street, Charlevoix, MI

- A. Call to Order/Pledge of Allegiance**
- B. Roll Call**
- C. Inquiry into Potential Conflicts of Interest**
- D. Approval of Agenda**
- E. Approval of the Minutes**
 - 1. August 8, 2022 Draft Meeting Minutes
- F. Call for Public Comment Not Related to Agenda Items**
- G. New Business**
 - 1. Public Hearing: 101 Leonard Special Land Use Permit Application
 - 2. 101 Leonard Site Plan Review
 - 3. 205 Bridge Street Site Plan Review
 - 4. Building Height Corrective Language Amendment
 - 5. Building Height Story Amendment

 - 6. Residential Unit Size Amendment
 - 7. Revised ADU Architectural Standards Amendment
 - 8. Special Meeting Proposal
 - 9. Housing Yes! Discussion
- H. Old Business**
 - 1. Downtown Signage Amendment Update
 - 2. Master Plan Update
- I. Staff Updates**
 - 1. Zoning Administrator's Report
- J. Requests For Next Months Agenda or Research Items**

K. Adjournment by 8:00 p.m. unless extended by a motion

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. A 24-hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodations requests.

City of Charlevoix
Planning Commission Regular Meeting minutes
Monday, August 8, 2022 - 6:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

A. Call to Order/Pledge of Allegiance

The meeting was called to order at 6:00 p.m. by Chair Waddell. Chair Waddell led the participants in the Pledge of Allegiance.

B. Roll Call

Chair: RJ Waddell

Members Present: Sherm Chamberlain, Toni Felter, Mary Millington, Jennifer Muladore, Maureen Radke

Members Absent: Annemarie Conway

Staff Present: Jennifer Neal, Community Planner; Janet Koch, Zoning Administrator

C. Inquiry into Potential Conflicts of Interest

Member Chamberlain stated that back in the 1980's he did all the survey work for the Northwest Marine Yacht Basin, but he was completely separated from that work at this time.

D. Approval of Agenda

Motion by Member Radke, seconded by Member Chamberlain to approve the agenda as presented.

Motion carried by unanimous voice vote.

E. Approval of the Minutes

1. July 11, 2022 Draft Minutes

Chair Waddell advised Member Muladore was shown as present in the minutes but she was out of state at the time; and in the third paragraph of G.1. the name Foss should be Boss.

Motion by Member Muladore, seconded by Member Chamberlain to approve the minutes of July 11, 2022 as corrected.

Motion carried by unanimous voice vote.

F. Call for Public Comment Not Related to Agenda Items

G. New Business

1. Site Plan Review - 202 Ferry Avenue

Zoning Administrator Koch stated the applicant, Northwest Marine Yacht Club, is proposing the replacement of an existing swimming pool and deck adjacent to the Foster Boat Works Condominiums. The property has Lake Charlevoix waterfront, which requires a site plan review, since it is waterfront property.

Ben Thoune from Performance Engineers stated the pool was installed in 1984 and was in need of replacement and everything would be put back in the way it currently existed.

The public hearing was opened and closed as there were no public comments.

Chair Waddell read the Findings of Fact from the staff report as written.

Motion by Member Felter, seconded by Member Chamberlain to approve the site plan for 202 Ferry Avenue without conditions.

Motion carried by unanimous voice vote.

2. Lake Charlevoix Visioning 2022

Barry Hicks, Community Planner from the Land Information Access Association (LIAA), stated they were a non-profit, community development entity based out of Traverse City. Mr. Hicks introduced Tom Darnton, President of the Lake Charlevoix Association, and Jennifer McKay from the Tip of the Mitt Watershed Council. Mr. Hicks provided a PowerPoint presentation which described the Lake Charlevoix Visioning and Shoreline Protection Project, the lakeshore protection standards of each community, and the current goals to develop a shared vision of Lake Charlevoix with common goals and objectives shared by all of the communities around the lake.

Jennifer McKay reviewed data specific to the lake quality and shoreline protection within the City of Charlevoix. Mr. Hicks reviewed data regarding water levels in Lake Michigan which also affect Lake Charlevoix and shoreline hardening. Mr. Hicks stated that there was a comment format form included in their packet and their website www.lakecharlevoixprotection.org also includes a comment section as well. All representatives responded to a variety of questions from the Commission members regarding shoreline protection issues.

3. Revised ADU Architectural Standards

Planner Neal stated the draft ordinance included in the packet was edited based on the attorney's response. Planner Neal stated the Commission had three choices: keep the language as is, apply the standards to ADU's and garages which is the language the Commission had before them, or reduce or remove the standards completely.

The Commission discussed issues related to through lots and the difficulties of designating lots having two front yards, concrete vs. asphalt driveways, and small accessory buildings such as sheds not having to conform to architectural standards to match the main structure. Chair Waddell summarized that there were three issues to be addressed: the alley/street access; smaller accessory units not having to match the appearance of the main structure, and possible elimination of asphalt and other hard surfaces for driveways, the Commission concurred.

4. Building Height Review and Discussion

Chair Waddell summarized the building height issue and the request from the ZBA for the Commission to review the issue. Discussion followed regarding the height of various buildings, preservation of the architectural design, economic factors, and how to measure building heights in feet or stories.

The Commission requested that Zoning Administrator Koch draft language to clean up the conflicting building height language and also address the maximum building height language to include language like Harbor Springs.

Chair Waddell opened the item for public comment, and one was heard.

5. Sign Ordinance Review and Discussion

Zoning Administrator Koch stated the Bridge Park Drive businesses have had issues for a number of years with limited signage. The proposed ordinance change would allow businesses to attach a sign less than or equal to two (2) square feet in the sign face area on the Bridge Park railing above the location of their business. Such signs would require a sign permit which must also be approved by the City Manager.

Motion by Member Radke, seconded by Member Millington to set a public hearing for the proposed sign ordinance amendment for businesses on Bridge Park Drive.

Motion carried by unanimous voice vote.

6. Building Unit Size and Lot Size

Chair Waddell stated at the last meeting the Commission talked about looking at Planned Unit Developments (PUD'S) for the missing middle housing; and minimum building sizes and minimum lot sizes were also discussed. Chair Waddell stated the City Council had asked the Planning Commission to look at all square footage in all zoning districts, and he suggested looking at the R2-A zoning district first. Planner Neal also stated the City Manager has also asked the Commission to consider minimum lot sizes so that more than unit size impacts how many units may be built.

Chair Waddell stated next month the discussion items would include: what could R2-A look like to address the missing middle; what future generations want; and how to address existing lots and any changes to lot sizes, the Commission concurred.

H. Old Business

1. Donations

Chair Waddell stated that in the last couple of months, the Commission had two different donations come before them for their recommendation and, in his opinion, the Commission made the correct decisions even though the Council did not accept their recommendation.

I. Staff Updates

1. Zoning Administrator's Report

J. Requests For Next Months Agenda or Research Items

Chair Waddell stated for the September meeting they would have the following items on their agenda:

- Building height information from the Zoning Administrator;
- ADU information from the Community Planner;
- Unit/lot sizes from the Community Planner;

- Public Hearing on the sign ordinance revision.

K. Adjournment by 8:00 p.m. unless extended by a motion

Chair Waddell adjourned the meeting at 7:59 p.m.

Charlevoix Planning Commission

New Business

Title: Public Hearing: 101 Leonard Special Land Use Permit Application

Date: September 12, 2022

Presented By: Janet Koch, Zoning Administrator

Background:

The Applicant, Laura and Donald Jasurda, are requesting approval of a bed and breakfast use in the R-1 district in an existing home; the application indicates that there will be no additional construction. Bed and breakfast establishments are an allowed use with a Special Use Permit in both the R-1 and the R-2 zoning districts. This property is in the R-1 district. The subject property is located at 101 Leonard St.

Recommendation:

See Prepared Staff Report

Attachments:

1. 101 Leonard-1-Staff Report
2. 101 Leonard-2-Application
3. 101 Leonard - 99 - Applicant statement
4. 101 Leonard-3-Public comment
5. 101 Leonard - 99 - Binder1



PLANNING COMMISSION AGENDA ITEM

AGENDA TITLE: Special Land Use Permit Application. Project 2022-02 SU

101 Leonard Street

HEARING DATE: Monday, September 12, 2022 at 6:00 PM

PRESENTED BY: Janet Koch, City Zoning Administrator

ATTACHMENTS:	1. Application from the applicant dated 8-2-2022 2. Written & oral public comment (4) 3. City of Charlevoix Zoning Ordinance
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I. GENERAL INFORMATION

Applicant: Laura & Donald Jasurda

Parcel Number: 052-355-027-00

Property Owner: Jasurda Donald F rev trust 1/2 int & Jasurda Laura A rev
101 Leonard St.
Charlevoix, MI 49720

Requested Action: Approval of Special Land Use Permit application

Zoning: R-1 Low Density Family Residential District

Property Location: 101 Leonard St.; the property is on the southeast corner of Leonard and Eaton Streets

Property Size: Avg. dimensions are 146.9' x 172.22'; approx. 25,300 square feet

Existing Land Use: Single family detached residential

Adjacent Land Uses: The contiguous property to the south is currently vacant. There are single-family homes across Leonard Street to the west, across Eaton Street to the north, and across Terrace Street to the east.

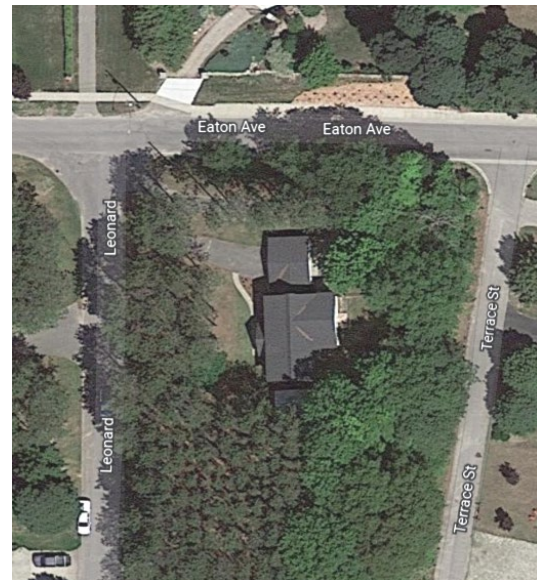
Adjacent Zoning: Property is surrounded by R-1 zoning.

II. PROJECT DESCRIPTION/LOCATION

The applicant is requesting approval of a bed and breakfast use in the R-1 district in an existing home; the application indicates that there will be no additional construction. Bed and breakfast establishments are an allowed use with a Special Use Permit in both the R-1 and the R-2 zoning districts. This property is in the R-1 district. The subject property is located at 101 Leonard St.



*Aerial imagery obtained from
Charlevoix County website 8-29-2022*



*Aerial imagery obtained from
Google Earth 8-29-2022*



Photo of 101 Antrim St. obtained from Google Earth 8-29-2022

II. AUTHORITY AND REQUIREMENTS

The Planning Commission is the governing authority for Special Land Use applications. Per the Zoning Ordinance, the decision to grant or deny approval for a Special Land Use is a Planning Commission decision. As the application under consideration states that, if approved, the change in use would not result in new construction, a site plan review is not necessary. The purpose of this Staff Report is to evaluate this proposal against the procedures and criteria outlined in Sections 153.250 through 153.257 of the current City of Charlevoix Zoning Ordinance.

The fee for the Special Land Use application was submitted on August 2, 2022. The notice for the public hearing was advertised in the *Charlevoix Courier* on August 26, 2022. Notice of the hearing was sent to adjoining landowners and tenants within 300 feet per the requirements of the Zoning Ordinance.

The permitted Uses By Right and the Special Land Uses allowed in the R-1 Low Density Single Family Residential District are listed in Table 153.071 - Allowed Uses in Residential Zones.

Per Table 153.071, the uses permitted by Right in R-1 are as follows:

- | | |
|--|--|
| a) Single-family dwellings, detached | f) Rentals |
| b) Accessory uses, buildings, and structures | g) Public parks/playgrounds |
| c) Minor home occupations | h) Athletic courts |
| d) Solar panels | i) Churches and customary related uses |
| e) Wind energy conversion systems | j) Essential service, publicly owned |
| | k) Site condominium |

Per Table 153.071, allowed as Special Land Uses in R-1 are:

- a) Bed and Breakfast establishments
- b) Boathouses, upland dredging
- c) Family day care home
- d) Group day care home
- e) Adult foster care family home
- f) Foster family home and foster family group home
- g) Major home occupation
- h) Adult foster care small group home
- i) Boarding/rooming house
- j) Day care center/nursery

IV. SITE PLAN REVIEW

The following section is taken directly from Sections 153.250 through 153.257 of the Ordinance with staff suggested findings of fact below each criterion in italics. **Staff has drafted findings of fact of approval and of denial as a starting point for discussion.** The Planning Commission may delete, add to, or modify the findings of fact as they feel are appropriate. The Planning Commission must find that this proposal meets all the following criteria before considering a motion to approve.

153.250 Intent: Special uses are uses of land specifically permitted within a zoning district only by the approval of the Planning Commission, following a review of the use and its potential impact on its surroundings. Special uses are generally consistent with the purpose of the zoning district in which they are permitted but, due to unique operational characteristics, may not be desirable or compatible in all locations within the district. Factors such as traffic, hours of operation, noise, odor or similar potential nuisance effects require that the special use be evaluated relative to its appropriateness on a case-by-case basis. This article establishes the review procedure for special uses and the general standards that must be met for all special uses. In addition, more specific standards and requirements, as found in §§153.140 through 153.159 of this chapter, are established for certain individual uses to mitigate their potential negative impacts.

153.253. Review Standards: A Special Land Use shall only be approved if all the following general standards are satisfied, in addition to any applicable requirements for specific special land uses, as found in §§153.140 through 153.159 of this Chapter:

- (A) The use is designed and constructed, and will be operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; will be compatible with adjacent uses of land; and will not change the essential character of the area in which it is proposed;

Finding of Approval

The Planning Commission finds that the proposed special use is an allowable special use, that it will be harmonious with the intended character of the general vicinity, and that it will not change the area's essential character.

Finding of Denial

The Planning Commission finds that the proposed special use will change the area's essential character.

- (B) The use is, or as a result of the Special Land Use approval, will be served adequately by public services and facilities, including but not limited to, streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities, and schools.

Finding of Approval

The Planning Commission finds that there are adequate essential public services and facilities to accommodate this special use and that this project will not require improvement to or expansion of city infrastructure or public services.

Finding of Denial

None.

- (C) The use will not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of traffic, noise, smoke, fumes, glare, or odors.

Finding of Approval

The Planning Commission finds that the proposed special use will not be hazardous or disturbing to existing or future nearby uses.

Finding of Denial

The Planning Commission finds that the proposed special use will be detrimental to persons and the general welfare by reason of increased traffic and increased noise.

- (D) The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.

Finding of Approval

As the property is already developed, the Planning Commission finds that this section is not applicable.

Finding of Denial

None.

- (E) The site plan proposed for the use demonstrates compliance with the Special Land Use specific design standards and all other applicable requirements of this ordinance.

Staff note: The Special Land Use section of the Zoning Ordinance does not contain any specific design standards related to the application. However, §153.116(C) Accessory Buildings and Uses: Bed and breakfast establishments cites the following standards:

- (1) The bed and breakfast shall be located within a residence which is the principal dwelling unit on the property. Whenever the bed and breakfast is open for the renting of rooms, the residence shall be occupied by the owner or innkeeper at all times.

Finding of Approval
Proposal meets standard.

Finding of Denial
None.

- (2) The rental rooms within the establishment shall be part of the principal dwelling. Bed and breakfast establishments shall not contain more than five rental rooms; however the Planning Commission may consider additional rooms based on the following criteria: (a) The existing single-family home has the capacity for more than five rental rooms; (b) It is a single-family home which has been operated as a bed and breakfast establishment in the past; (c) There is sufficient parking on site, or within 300 feet of the property, to accommodate additional rooms; and (d) The Planning Commission finds that the additional rooms will not have an adverse impact to the residential character of the neighborhood.

Finding of Approval
Proposal meets standard; applicant has indicated that there will be a maximum of four rental bedrooms.

Finding of Denial
None.

- (3) The residence shall have at least two exits to the outdoors.

Finding of Approval
Meets standard.

Finding of Denial
None.

- (4) Signage shall be subject to the requirements of §§ 153.205 through 153.219.

Finding of Approval
Meets standard; any and all future signage will be subject to all pertinent sections of the Zoning Ordinance.

Finding of Denial
None.

- (5) A bed and breakfast establishment shall be consistent with the essential character of the residential neighborhood in terms of use, traffic generation and appearance.

Finding of Approval
Meets standards; the proposed special use is residential and will be harmonious with the existing neighboring uses and the essential character of the neighborhood.

Finding of Denial
Does not meet standard as the proposed special use would generate traffic that would alter the essential character of the neighborhood.

- (6) A bed and breakfast establishment shall not be permitted on a lot or parcel, (including a non-conforming lot or parcel of record) which does not meet the established lot size requirements for the zoning district in which it is located.

Finding of Approval

The lot conforms; standard is met.

Finding of Denial

None.

- (F) The special land use will be consistent with the intent and purposes of this ordinance and the most recent updates to the master plan.

Finding of Approval

Meets standard; the proposed use will continue to be residential, which is consistent with the master plan.

Finding of Denial

Section 4.4 of the current master plan (2016) states that the intent of the district is for continued use of low density single-family dwellings. The proposed 2022 master plan places the property in an area denoted as “neighborhood residential” in which the “intensity of this neighborhood area shall be low.” The Planning Commission finds that the special use will not meet this standard.

V. CONDITIONS OF APPROVAL

Zoning Ordinance Section 153.252 Conditions of Approval.

Reasonable conditions may be imposed on the approval of a special land use in order to achieve the following:

- (A) Ensure that public services and facilities affected by the proposed land use and site plan will not be adversely affected;
- (B) Ensure that the use is compatible with adjacent land uses and activities;
- (C) Protect natural resources, the health, safety, welfare and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;
- (D) Ensure compatibility between the proposed use or activity and the rights of the city perform its governmental functions;
- (E) Meet the intent and purpose of this chapter, be related to the standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards; and
- (F) Ensure compatibility with other uses of land in the vicinity

VI. PLANNING COMMISSION ROLE AND OPTIONS

The City of Charlevoix Planning Commission has the following options for Project 2022-02 SU:

- (A) Deny the project based on specific findings of fact that the application does not meet the review criteria in Chapter 153.253.
- (B) Approve the project based on specific findings of fact that the application does meet the review criteria in Chapter 153.253.
- (C) Approve the project based on specific findings of fact that the application does meet the review criteria in Chapter 153.253 with conditions as contained herein.
- (D) Table the decision based on the need for additional review time or information.



CITY OF CHARLEVOIX

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

Permit No.: _____

Date Received: 8/2/2022

Decision Date: _____

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

Planning Commission Application

☐ Site Plan Review	☐ Rezoning
☒ Special Land Use Permit	☐ Zoning Ordinance Amendment
☐ Planned Unit Development	☐ Other _____

Applicant Name: Laura & Donald Jasurda

Street Address: 101 Leonard St

City: Charlevoix State: MI Zip code: 49720

Phone Number(s): 248 9779741 E-mail: laurajasurda

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

Signature: Laura Jasurda Date: 8/2/22

Applicant is the: ☒ Owner ☐ Lessee ☐ Agent ☐ Contractor/Architect

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: _____

Project Location or Address: 101 Leonard St Charlevoix MI 49720

Parcel Number: 052-355-027-00

Explanation of Request: We'd like to transition our property from short-term rental to Bed & Breakfast to upgrade our brand. We still plan to be in house full time & rent on limited basis-but love to share our beautiful space with others & meet new people.

City of Charlevoix
Planning Commission Application
Page 2

Subject Parcel Information:

Project Location or Address: 101 Leonard St Charlevoix MI 49720

Parcel Number: _____

Zoning District: _____

Current Use of Property: Private home / short term rental

Dimensions of Parcel: _____

Parcel Size: lots 27 + 28

Please describe the type of construction proposed: no construction required.
We also will not be adding signage other than
an engraved boulder with words "Red Pines"

Affidavit engraved. We are a private home where we live
full-time and part-time Bed & Breakfast as a
I the undersigned, do hereby make application to the City of Charlevoix for approval of the attached Site hobby
Plan which has been drawn in accordance with the City of Charlevoix Zoning Ordinance.

I certify that the property owner has authorized the proposed work, and that I have been empowered by the owner to make this application as his/her agent.

I agree the statements made above application and associated documents are true, and if found not to be true, the approval of the site plan and/or any zoning permit that may be issued may be void.

Further, I agree to comply with the conditions and regulations provided with the approved site plan and any permit that may be issued.

Further, I agree the permit that may be issued is with the understanding all applicable sections of the City of Charlevoix Zoning Ordinance will be complied with.

Further, I agree to notify the zoning administrator of City of Charlevoix for inspection before the start of construction and when locations of proposed uses are marked on the ground.

Further, I agree to give permission for officials of City of Charlevoix, the County and the State of Michigan to enter the property subject to this permit application for purposes of inspection.

Finally, I understand this is a zoning permit application (not a permit) and that a zoning permit, if issued, 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.

Property Owner or Agent Signature: Laura Jauride
Date: 8-2-22

From: Laura Jasurda <laurajasurda@laurajasurda.com>
Sent: Sunday, September 11, 2022 5:40 PM
To: Jennifer Neal <jennifer.neal@networksnorthwest.org>
Cc: Planner <planner@charlevoixmi.gov>; R. J. Waddell <1rjwaddell@att.net>
Subject: Re: Planning Commission Packet

Thank you Planning Commission and neighbors. I apologize for not being there in person due to Covid but appreciate you accepting this statement and phone call in lieu of me being there in person.

Twelve years ago we walked by our current home and fell in love with it. "That's my dream home," my husband told me. I suggested he knock on the door and let the owners know. He did and left our business card. They kept that card for 10 years, moving our business card with each calendar. Two years ago they reached out and shared that they were selling and asked if we were still interested. The rest is history. We moved to our dream home and to Charlevoix year round in October 2020 and are living our dream. We decided last summer to open our home to guests, simply to share our dream with others. We consider ourselves more of a "boutique" short term rental than one as a business. We live in the house while guests are here and we are quite selective on who we share our home with. We don't allow large groups or parties and have an age restriction for children. Most of our guests are couples and/or groups of 4-6 adults. We also limit renting to 4-8 week/weekends per season. We love to entertain and pamper our guests and started including a continental breakfast this season. I prefer to support local businesses such as That French Place, Farmer's Market, JBird Provisions, etc. vs. cooking and recently used our space for a tour brunch that raised \$650 for Joppa House. I plan to host more events at Red Pines to support our community. I believe our home was always intended to be a Bed & Breakfast and an asset to our community, which is why we decided to submit a request to transition to a Bed & Breakfast.

Here are some details you may be looking for:

- We have four bedrooms that are available to guests. We have our own apartment in the basement and will always be onsite when guests are here.
- We live in the house full-time, year around
- We recently passed an inspection by the city for short term rentals
- We do not allow parking on the street. We have a large circle drive in front of our home where we ask guests to park. Four cars can easily park here. We also have a double wide driveway that would easily park six cars. In addition, we have two personal parking spots in our garage and two additional parking spots to the side of the driveway where we park our vehicles. I know this is one of the most important concerns for both the planning commission and neighbors and so we invested in new driveways and sidewalks this year to ensure we had more than enough parking. Guests will never park on the street.
- We do not plan on installing signage on our property since we are more word of mouth, repeat guests, limited renting, etc. We do, however, have a boulder out front we plan to engrave the words "Red Pines" on which is the name of our property, and a name we chose even before we thought of offering the house as a short term rental or bed & breakfast. The house is nestled in a lot of red pine trees.
- We've been working with the historical society to learn more about the history of our land and home and have hired a local artist to create a mural of our land/home's history to share with our guests.

Thank you for your consideration on our request for rezoning to Bed & Breakfast. I am available by phone to answer any of your questions.

Thank you,

Laura Jasurda

To: Janet Koch, Zoning Administrator

August 26, 2022

**Neighbors Opinion to Proposed Special Land Use
Permit Application.**

Case Number: 22-02 SU
Parcel #: 052-355-027-00
Applicant: Jasurda, Laura and Donald
Property Address: 101 Leonard Street
Property Owner(s): Jasurda Donald F Rev Trust ½ Int
Jasurda Laura A Rev Trust ½ Int

I do not like being in the position to oppose anything my neighbors want to do with their property; However, I need to voice my opinion in regards to this special land use permit application.

I live across the street (at the corner of Hampton Street and Leonard Street) from the property in question.

While I consider Don and Laura Jasurda to be good people, I am vehemently opposed to allowing a bed and breakfast to operate in our quiet peaceful neighborhood.

When Don & Laura Jasurda purchased this property; the land was in a R-1 Low Density Single-Family Residential Zoning District and it should remain as presently zoned with no Special land Uses allowed.

I acknowledge that they have made improvements to the home and property but in my opinion this should not influence the present zoning requirements.

In my opinion, this proposed Bed and Breakfast should not be allowed due to the detrimental impacts to our neighborhood including possible lowering of the property values, creating additional traffic, adding noise, lack of security due to unknown persons renting across the street, and general adverse effects on the neighborhood.

In my opinion, the operation of a commercial entity within our residential neighborhood is not beneficial to the community and that the special land use permit should be denied.

Sincerely,



Robert Miller

121 Hampton Street

Charlevoix, MI 49720

August 29, 2022

Office of Planning & Zoning

210 State St.

Charlevoix, MI 49720

Haggard's
PLUMBING
& HEATING

Ref: Case#22-02 SU Parcel#052-355-027-00 Application: Jasurda, Laura and Donald address 101 Leonard St. for a bed and breakfast.

To whom it May Concerns,

Upon reviewing the above notice, I would like to express my view on the above request. Haggard's Plumbing & Heating is not opposed to the changes of the property and/or the request. 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

August 29, 2022

Roberta Steinke, 110 Eaton, Charlevoix, called the Zoning Administrator

Ms. Steinke would like to see the application denied due to traffic and noise concerns.

9-1-2022

Janet Koch

Zoning Administrator

RE: Case # 22-02-SU Parcel # 052-355-027-00 Address 101 Leonard Street OWNER: Jasurda

These comments are submitted in opposition to the request for a Special Use Permit.

This parcel is in a R1 Residential area which has always been single family residential. I am opposed to any change in zoning which would change this parcel to R2, or any other change which would increase the occupant density on this parcel other than R1. That is the reason our family constructed a home in this area over 50 years ago,

Sometime in the past several years, the Jasurdas started renting rooms with a listing on Airbnb. This was accomplished without any notice by the City or the owners to area residents. It is obvious that they remodeled this structure with the intent of turning it into a rental property. The garage was turned into an open party area, and separate entrance was created for the upper level. Recent additions include two outside fire pits, one on the north side, and another on the south. A large stone sign w/ etched/engraved sign is planned for the front or corner area,

Now comes an application for Special Use to "enhance" their branding. This move is an obvious attempt to create a more favorable marketing position, not only to increase their occupancy rate in the rental spaces, but to increase the traffic flow by the property in hopes of enticing more renters. I have no desire for more traffic in our area. The next thing will be to make this a stop on the commercial golf cart tours within the city,

On the major holiday weekends, we could conceivably be subjected to multiple families at this property with overflow parking, multiple firepits in operation, open air parties on the patios or in the converted garage, etc. This is an obvious attempt to establish a higher level commercial operation in our R1 residential neighborhood. More traffic, more noise, more smoke, etc is in the future. I am totally against this request.

Respectfully



Marsha Exelby

112 Eaton

Max Carthew
111 Eaton Avenue
Charlevoix MI 49720

September 7th 2022,

Planning Commission/ Zoning Administrator
Charlevoix City Hall,
210 State Street
Charlevoix MI 49720

Ref Case # 22-02-SU Parcel 052-355-027-00

Dear Ms. Koch,

I am a resident of Eaton Avenue with property diagonally opposite the parcel in question. This is a quiet residential neighborhood with very little traffic after evening hours. The parcel concerned is at the top of a steep hill on a main intersection between Leonard and Eaton.

I am concerned that a Bed and Breakfast operation on our residential avenue will cause frequent traffic with guests arriving and departing at all hours in an otherwise quiet setting. This area is zoned R-1 Low Density Single Family Residential and as far as I know there are no other similar Bed and Breakfast operations in this zone.

I am not against long term rental operations such as Airbnb as there is little or no disruption to the residential nature of the area. I believe this property has been used for such operations for some time and there has not been any issues with that rental operation as far as I am aware.

Best regards,

Max Carthew.
248-210-3713

From: seth.clifford1@gmail.com
To: [Planner](#)
Subject: case 22-02 SU, 101 Leonard Street
Date: Thursday, September 8, 2022 5:05:52 PM
Attachments: [image001.png](#)

Dear Janet Koch,

Thank you for the letter dated August 23rd regarding the sought after approval to allow 101 Leonard Street to be operated, under a special land use permit, as a bed and breakfast.

Unfortunately I cannot attend the hearing on the 12th so am writing to give my opinion on the matter such that it may be considered with all of the other feedback both written and in person at the hearing.

My assumption is that although this application is being described as a 'bed and breakfast' it is in fact a proposal to allow short term rentals from the property. If this is the case my thoughts are as follows:

Such small businesses bring economic benefit to the area, especially needed in the off season – will this property be rented year round? How are they proposing to attract rentals / customers year round?

I am concerned about the road junctions at the intersection of Leonard and Eaton and Eaton and Ferry Avenue. Eaton is a steep hill, with a very narrow road and It already concerns me that this is a busy intersection during summertime. The thought of it becoming more busy, especially in the evenings is concerning. What sort of occupancy numbers does the 'bed and breakfast' expect and how can they mitigate this traffic / pedestrian risk.

Further (less concerning to me because we are a little distance away) how would the owners mitigate the noise of large numbers of guests using the property, especially the outdoor spaces. Do they have a plan for this? I imagine the biggest objections will, justifiably, come from the immediate neighborhood and relate to noise, mess and 'strangers' in what is now a very quiet, sought after residential area. Again, how do the operators plan to mitigate for this?

I hope this adds value to the discussion,
Very best,

Seth Clifford

Co-founder & owner, Ferry Avenue Brands Ltd.

Web [https://link.edgepilot.com/s/ca3b5761/USqh2kuMVES1YGFRZVOMNw?
u=https://ferryave.com/](https://link.edgepilot.com/s/ca3b5761/USqh2kuMVES1YGFRZVOMNw?u=https://ferryave.com/)

Email seth.clifford@ferryave.com

From: [Sandra Raecke](#)
To: [Planner](#)
Subject: Re: Case Number 22-02 SU
Date: Friday, September 9, 2022 3:31:26 PM

We are against a special land use permit for a bed and breakfast establishment at 101 Leonard Street. Mike & Sandra Raecke, 113 Eaton Ave, Charleviox.

Sent from my iPhone

From: [Jes](#)
To: [Planner](#)
Subject: Special Land Use Permit Case #22-02 SU Jasurda 101 Leonard St.
Date: Saturday, September 10, 2022 8:59:14 PM

We live at 1001 Saint Johns Dr. and are very opposed to the bed and breakfast proposed at 101 Leonard St. We live in a neighborhood of no sidewalks. Our kids walk to the bus stop, ride bikes and walk dogs in the street.

Every summer when the Marina Bluff condos fill up, traffic through the neighborhood increases greatly and the speed of vehicles increases as well. There seems to be no watching out for kids chasing a ball, or riding scooters, or people just out for a walk. I am afraid a bed and breakfast will cause an even greater issue with this.

There will be constant new people in a very family oriented, quiet neighborhood for much longer periods of the year as opposed to the 2 months of traffic increase from Marina Bluff.

This is not a neighborhood for a business. This is a very quiet family neighborhood that we cherish and we hope that you will vote to keep it that way.

Thank you,
David and Jessica Bertinelli

From: [JILL SANCHEZ](#)
To: [Planner](#)
Subject: Strongly oppose B & B at 101 Leonard St!
Date: Sunday, September 11, 2022 6:57:10 PM

Dear Planning Commission:

I am the property owner of 115 Eaton Avenue, which is located near the top of the Eaton Avenue hill. My family has lived on Eaton Avenue for more than 55 years and I have recently purchased the home adjacent to my family home in order to retire on the same street where I was raised. For reference, my driveway is almost directly opposite the driveway of 101 Leonard Street. I am strongly opposed to bringing a commercial operation into our quiet neighborhood! My concerns include, but are not limited to traffic congestion, noise and safety; increased trash; the ancillary dangers of having a parking lot at the top of the hill; and of course, upsetting the family atmosphere of the neighborhood.

The increased traffic associated with a commercial bed and breakfast operation on Eaton Avenue will certainly impact the neighborhood negatively. There will be more vehicles overall, contributing to air and noise pollution, leading to more potential for drivers to violate the speed limit on a family street where there is a steady flow of walkers, runners and parents strolling with young children and pets. Additionally, with more vehicles coming and going near the crest of the already-hazardous Eaton Avenue hill, it will be a matter of time before there is another tragic accident. The safety concerns alone should be sufficient to prevent this special land use permit from being approved.

With commercial interests, comes associated trash. There is no way to avoid increased trash when there is a revolving door of new customers, constantly creating more waste. With more waste come rodents, gulls and other pests that will now have a new feeding ground. We don't want the ripple effects of more trash. This is not acceptable in our neighborhood!

If the increased traffic issues described above aren't enough, once those vehicles reach their destination, they will all park together in our neighborhood, creating a true parking lot at the top of the hill. A common side effect of parking lots is to attract potential criminals seeking easy-to-grab visible valuables. Will this be another unfavorable side effect of living near a commercial operation? Will we residents experience more break-ins? There is no way to predict if crime will increase in our neighborhood, but it is something about which I am personally concerned.

Our neighborhood has worked hard to maintain its friendly, quiet, safe atmosphere over the past several decades. I believe that approving this special land use permit application would be a tragic mistake and the beginning of the end of our neighborhood, as we currently enjoy it. Please vote to reject the application and help us continue to feel at home in our homes.

Thank you for your consideration,

Jill Sanchez
115 Eaton Avenue (owner)

C: 916.765-6284

From: [Amy Parish](#)
To: [Planner](#)
Subject: Notice of Public Hearing Case #22-02 SU
Date: Sunday, September 11, 2022 9:43:58 PM

To Whom it May Concern,

We are writing in regards to the public hearing to the proposed special land use permit for a bed & breakfast at 101 Leonard St. in Charlevoix. This location is right around the corner from our current residence at 119 Hampton Rd. We have lived at this location for almost 6 years. At the time that we purchased our home, we chose this location because of the close proximity to our children's school, the quiet neighborhood, and it is not on a busy main road with a lot of traffic, just to list a few reasons. We like the fact that this is not a busy neighborhood & most people would not drive down our road unless they need to in order to get to one of the houses on this road.

The addition of a bed & breakfast business in our neighborhood would greatly increase the traffic flow in our quiet part of town. With a business of this nature, it will bring in out of town guests & strangers to our neighborhood. There are no sidewalks on Hampton Rd. or Leonard St. which would be a safety concern for our children & others who walk our roads daily if there is an increase in traffic. For these reasons, we would like to strongly object to the approval of this special land use permit with the hopes that our peaceful residential neighborhood will remain just that. Thank you for your time!

Sincerely,
John & Amy Parish

Sent from my iPhone

September 8th, 2022



Planning Commission/Zoning Administrator
Charlevoix City Hall
210 State Street
Charlevoix, Michigan 49720

Ref Case # 22-02-SU Parcel 052-355-027-00

Dear Ms. Koch,

My name is Jon Zumbrink. I have owned a home at 114 Eaton Avenue since 2007. This letter is with regard to the proposed re-zoning of the property at 101 Leonard Street. Our home is directly across the street. This property subject to re-zoning was purchased by Don and Laura Jasurda.

The Jasurdas have made great improvements to the property over the last few years. Recently, it has come to our attention that they have plans to turn their home into a Bed and Breakfast. This proposed re-zoning change is a concern to us. We don't want to see our neighborhood become commercialized. This change, if approved could encourage other homeowners to pursue a similar enterprise. We don't want to lose the quiet neighborhood atmosphere that currently exists. We fear that it will increase traffic and activity in our relatively quiet neighborhood.

Also, we wonder about the how it will impact the value of our property in the future. We understand that short term rentals have been a concern to the city of Charlevoix for the past few years.

With these thoughts in mind, we ask that you keep our zoning R-1 and deny their request for a special use permit.

Respectfully submitted,


Jon Zumbrink

September 12, 2022

Dear Janet Koch, City Zoning Administrator

This weekend I learned of a proposed Special Land Use Permit, Project 2022-02 SU for the residence at 101 Leonard Street by Laura and Donald Jasurda here in Charlevoix. **This email is to voice my strong opposition to the granting of this permit.**

In reading over the staff report, it is noted that there will be no new construction. It is evident from the listing of this site as an AirB&B that considerable work has already been completed. https://link.edgепilot.com/s/031c061c/to63e3_8LkevGftbb1J4YQ?u=https://www.airbnb.com/rooms/47309695?source_impression_id=p3_1662990491_6FtqZR50%252B4w71wNb

For a part time hobby as stated by the applicants, this is a considerable investment.

Unlike many of my neighbors, I have only been a resident for a little over one year in this neighborhood. I previously lived in Marion Township when I was completing my final 13 years as a certified teacher librarian at Charlevoix Elementary and Middle Schools.

I love this neighborhood and the people who live here all the seasons of the year. We appreciate the quiet. We appreciate how we look out for each other. We have fun watching the deer, parents and fawns, who enjoy eating the apples on the vacant lot across the street and some of our garden plants, too. :) Each morning I know I can safely walk my labrador retriever throughout the area.

A granting of this Special Use Permit would greatly increase traffic and noise. Even now, with my neighbor and I posting signs, people, usually seasonal, speed anywhere from 20 to 25 mph over the posted limit before and after the curves on Hampton Road. Despite what the applicants may say, I have walked by their residence and seen as many as 12 cars parked there on the weekends already. Anyone who stays there will most likely use Eaton or Hampton.

Numerous people in addition to myself walk their dogs in our neighborhood. One person walks their dog at night, off lease, because it is usually safe to do so. Will it still be safe with the additional traffic? We have residents with children and residents with grandchildren who ride their bikes and scooters on the streets. I worry about their safety with the increased traffic.

Finally, I want to address the environmental impact of the granting of the permit. In the simplest terms, more people equals a greater carbon footprint. Their vehicles mean more emissions. If they fly here, they are greater. The increased use of appliances, heating and cooling at this residence means the carbon footprint is higher.

I know you will make every endeavor to do what is right for our neighborhood after careful consideration. Charlevoix is indeed beautiful. We need to keep it that way for generations to come. I always told my students it is our responsibility to preserve and protect.

Sincerely,
Margaret M. Myers-Culver
Margie Culver
112 Hampton Road

Charlevoix Planning Commission

New Business

Title: 101 Leonard Site Plan Review

Date: September 12, 2022

Presented By: Janet Koch, Zoning Administrator

Background:

The Applicant, Laura and Donald Jasurda, are requesting approval of a bed and breakfast use in the R-1 district in an existing home; the application indicates that there will be no additional construction. Bed and breakfast establishments are an allowed use with a Special Use Permit in both the R-1 and the R-2 zoning districts. This property is in the R-1 district. The subject property is located at 101 Leonard St.

Recommendation:

See Prepared Staff Report

Attachments:

None

Charlevoix Planning Commission

New Business

Title: 205 Bridge Street Site Plan Review

Date: September 12, 2022

Presented By: Janet Koch, Zoning Administrator

Background:

The Applicant, Rodney Rotman, is proposing construction of a 3rd floor of 3,658 square feet with rooftop access. The 2nd and 3rd floors would be constructed/remodeled to have one apartment per floor. Also, the applicant is proposing to remodel the basement into two apartments for a total of 4 residential units in the building. There is not a regulation for size or density of residential use in the CBD. The Bridge Street level would have two retail units. The building's footprint would not change.

The proposed maximum building height is 40' which meets the CBD maximum building height standard. The maximum height of the rooftop mechanicals is proposed as 46', which is allowed under the zoning ordinances definition of building height in § 153.005. CBD setbacks are 0'.

In addition, § 153.118 (D) states that "Any request for a City of Charlevoix zoning permit that includes a roof top deck must undergo site plan review and receive approval by the Planning Commission prior to issuance of a zoning permit."

Recommendation:

See Prepared Staff Report

Attachments:

1. 205 Bridge-0-Staff Report
2. 205 Bridge-1-Application Level B
3. 205 Bridge-2-Ferguson and Chamberlain Survey
4. 205 Bridge-3-Site Plan



PLANNING COMMISSION AGENDA ITEM

AGENDA TITLE: Level B Site Plan Review – 205 Bridge St.

PUBLIC MEETING DATE: September 12, 2022 at 6:00 PM

EXHIBITS:	1. Application from Charannndor, LLC 2. Survey: Ferguson and Chamberlain 3. Site Plan, Floor Plans & Building Elevations: Richard Postema, Assoc. 4. City of Charlevoix Zoning Ordinance
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I. GENERAL INFORMATION

Applicant:	Rodney Rotman
Property Owner:	Charranndor, LLC 11026 Split Oak Dr. West Olive, MI 49460
Requested Action:	Level B Site Plan Approval
Zoning:	Commercial Business District (CBD)
Project Location:	205 Bridge Street, tax ID 052-246-001-40
Project Site Size:	Average surveyed dimensions: 44.62' x 82.4', approx. 3,677 sft
Existing Land Use:	Commercial
Adjacent Land Uses:	Commercial
Adjacent Zoning:	Central Business District

II. PROJECT DESCRIPTION/LOCATION

The applicant is proposing construction of a 3rd floor of 3,658 square feet with rooftop access. The 2nd and 3rd floors would be constructed/remodeled to have one apartment per floor. Also, the applicant is proposing to remodel the basement into two apartments for a total of 4 residential units in the building. There is not a regulation for size or density of residential use in the CBD. The Bridge Street level would have two retail units. The building's footprint would not change.

The proposed maximum building height is 40' which meets the CBD maximum building height standard. The maximum height of the rooftop mechanicals is proposed as 46', which is allowed under the zoning ordinances definition of building height in § 153.005. CBD setbacks are 0'.

In addition, § 153.118 (D) states that "Any request for a City of Charlevoix zoning permit that includes a roof top deck must undergo site plan review and receive approval by the Planning Commission prior to issuance of a zoning permit."



205 Bridge Street
Google Earth photo captured on 9-6-2022

III. SITE PLAN REQUIREMENTS

§ 153.231 of the Zoning Ordinance states that a Level B review by the Planning Commission is required in connection with the creation of a use or the erection of a building occupying 2,000 square feet or more. Staff's opinion is that the submittal requirements of Table § 153.235 have been met.

V. SITE PLAN REVIEW

Three sections of the zoning ordinance apply directly to this application:

§ 153.118 Lodging, Dining and Entertainment Uses; (D) Roof top decks.

§ 153.170 Building Appearance

§ 153.235 Standards for Site Plan Approval

§ 153.118 Lodging, Dining and Entertainment Uses

(D) Roof top decks. The following provisions are intended to regulate roof top deck use, permanent or temporary, in all districts to reduce safety concerns, noise and other nuisances, and visual impact on neighboring properties and on the community generally. The use of roof top decks is subject to the following restrictions:

- (1) A zoning and building permit for any roof top deck must be first obtained from the City Zoning Administrator and Charlevoix County Building Department and is subject to construction of and maintenance of guardrails and other protective features as required by the Charlevoix County Building Code.
- (2) Any request for a City of Charlevoix zoning permit that includes a roof top deck must undergo site plan review and receive approval by the Planning Commission prior to issuance of a zoning permit.

- (3) Parapet walls and perimeter guardrails shall extend around the perimeter of the roof top deck and incorporate exterior building materials consistent with the architectural style of the underlying structure subject to § 153.170.
- (4) Any structure on a deck or patio must be permitted under the Zoning Code. Portable appurtenances are prohibited. Temporary appurtenances and structures are subject to site plan review to assure public safety.
- (5) Except within the CBD, Central Business District, amplified musical instruments or sounds are prohibited. Any other music or sound that would violate the city's noise ordinances and restrictions is prohibited.
- (6) All commercial food preparation shall take place inside the establishment.
- (7) No open flames are allowed.
- (8) Lighting shall be shielded and pointed downward and shall not be a nuisance to adjacent properties subject to § 153.172.
- (9) Roof top deck space is subject to the requirements of §§ 153.185 et seq., Off-Street Parking, Loading, Access and Circulation.

Staff note: the proposed plan shows a glass guard on the front and sides of the building, with a 6' high mechanical screen wall on the rear. Planning Commission should determine if the proposed materials are consistent with the building's architectural style.

§ 153.170 Building Appearance (pertinent sections only)

- (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.
 - (e) Building entrances shall utilize windows, canopies and awnings; provide unity of scale, texture and color; and clearly identify the entry.

Staff note: the Planning Commission could require additional architectural features in order to ensure that the buildings blend harmoniously with the streetscape.

§ 153.237 A through F following are taken directly from the Site Plan Review Section of the Zoning Ordinance. Before considering a motion to approve or deny, the Planning Commission must make findings of fact to determine if the proposal meets each of the following standards and find that this proposal meets all the following standards based on findings of fact. Staff has written the following recommended findings of fact as a starting point.

The Planning Commission may add, modify, or delete any of the following draft findings at the meeting. **The draft findings are in bold italics.**

§ 153.237 Standards for Site Plan Approval: A site plan shall be approved only upon a finding of compliance with the following standards:

- (A) The site plan must comply with all standards of this Article and all applicable requirements of this ordinance, as well as with all other applicable city, county, state and federal laws and regulations.

The Planning Commission finds that the site plan proposal complies with the Zoning Ordinance.

- (B) The site must be designed in a manner that is harmonious, to the greatest extent possible, with the character of the surrounding area.

The Planning Commission finds that the proposed project is harmonious with the character of the surrounding area.

- (C) The site must be designed to minimize hazards to adjacent property and to reduce the negative effects of traffic, noise, smoke, fumes and glare to the greatest extent possible.

The Planning Commission finds that the proposal adds no hazards to adjacent properties.

- (D) The site plan does not have a negative impact on the provisions of human services, housing, transportation needs, and access to food in the community.

The Planning Commission finds that the proposal does not have a negative impact on the provisions of human services to the community.

- (E) The site plan protects the natural environment and conserves natural resources and energy to the extent possible in light of the proposed development.

The Planning Commission finds that the proposal protects the natural environment to the extent possible.

- (F) Unless a more specific design standard is required by the city through a different ordinance or regulation, all uses and structures subject to site plan review shall comply with the following design standards:

(1) Traffic circulation. ***Not applicable.***

(2) Storm water. Storm water retention and drainage systems shall be designed so the removal of surface water will not adversely affect neighboring properties or public storm water drainage systems. Unless impractical, storm water shall be removed from all roofs, canopies and paved areas by an underground surface drainage system. Low impact design solutions such as rain gardens and green roofs are encouraged. The proposed project will meet the City of Charlevoix Storm Water Ordinance. ***Rooftop drainage will continue to drain into the city storm water system using existing storm system.***

- (3) Snow storage. *Not applicable.*
- (4) Landscaping. *Not applicable.*
- (5) Screening: Where non-residential uses abut residential uses, appropriate screening shall be provided in accordance with § 153.171 to shield residential properties from noise, headlights and glare. *Not applicable.*
- (6) Lighting. Lighting shall be designed to minimize glare on adjacent properties and public streets. As a condition of site plan approval, reduction of lighting during non-business hours may be required. *Not applicable – no permanent lighting is planned with the potential exception of required emergency exit lighting.*
- (7) Utility service. All utility service shall be underground, unless impractical due to engineering difficulties. *The proposal shows upgrades to all utility connections. The City's Electric Department has forwarded the plans to a consultant for review. At the time of the writing of this report, the consultant had not responded. The Planning Commission could approve the site plan contingent on approval from the Electric Department.*
- (8) Exterior uses. *Not applicable.*
- (9) Emergency access. All buildings and structures shall be readily accessible to emergency vehicles. *Not applicable.*
- (10) Water and sewer. Water and sewer installations shall comply with all city specifications and requirements. *The proposal shows upgrades to all utility connections. The City's Public Works Department found no issues with the proposal.*
- (11) Signs. *Not applicable, as no new signage is shown on the proposal. All future signage will be subject to the pertinent sections of the ordinance.*

The Planning Commission finds that the proposal complies with the design standards.

VI. CONDITIONS OF APPROVAL

The following section is taken directly from the § 153.236 of the Zoning Ordinance. The Planning Commission may impose conditions of approval on the site plan based on the following criteria.

§ 153.238 Conditions of Site Plan Approval.

- (A) Conditions which are designed to ensure compliance with the intent of this subchapter and other regulations of the City of Charlevoix may be imposed on site plan approval.
- (B) Conditions imposed shall be based on the following criteria:
 - (1) Ensure that public services and facilities affected by the proposed land use and site plan will not be adversely affected.
 - (2) Ensure that the use is compatible with adjacent land uses and activities.
 - (3) Protect natural resources, the health, safety, welfare and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

- (4) Ensure compatibility between the proposed use or activity and the rights of the city to perform its governmental functions.
- (5) Meet the intent and purpose of the City of Charlevoix Zoning Ordinance, be related to the regulations and standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
- (6) Ensure compliance with the intent of other city ordinances that are applicable to the site plan.
- (7) Ensure compatibility with other uses of land in the vicinity.

Planning Commission Actions:

- A. Approve without conditions, based on specific findings of fact that prove the project does meet the review standards in Section 153.237
- B. Approve with conditions, based on specific findings of fact that prove the project does meet the review standards in Section 153.237
- C. Deny based on specific findings of fact that prove the project does not meet the review standards in Section 153.237
- D. Table. (Usually, this option is only used when additional information is needed to assist the Planning Commission in making the decision.)



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

SITE PLAN APPLICATION PROCEDURES

1. Applicants are encouraged to hold a pre-application meeting with the Zoning Administrator to discuss the project and the review process. The Zoning Administrator will identify the specific requirements for site plan review at that time.
2. Applicant completes the Site Plan Application, provides the review fee (\$275) and all supporting documentation required. (See Article 12)
3. Applicant stakes property corners and the locations of proposed buildings.
4. The Zoning Administrator will consult with City Staff and other sources (City Engineer, Public Works Department, Fire Department, etc.) regarding the submitted Level A Site Plan, and as a result may determine it is necessary for the Planning Commission to review the Site Plan, where the project will be reviewed based on the requirements of a Level B Site Plan review. In that case, The Planning Commission may approve, approve with conditions, or deny based on findings of fact. The Planning Commission may also choose to postpone the decision, which is typically done if more information is needed, such as a legal opinion, or they feel more time is necessary.
5. If Level B review is not necessary, the Zoning Administrator shall review the site plan as submitted against Section 5.120 and any additional applicable requirements, as well as consider any comments received, and approve, approve with conditions or deny approval of the site plan, based on whether applicable requirements and standards have been met.
6. The Zoning Administrator will provide to the applicant, in writing, the decision that they have made, along with any conditions that they may have deemed necessary for approval.
7. If conditions are attached to the site plan review approval, revised plans reflecting those conditions must be re-submitted to the Zoning Administrator prior to issuance of permits.



LEVEL B SITE PLAN APPLICATION

Charanndor, LLC
Applicant

205 Bridge Street
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
() - _____

Zoning of subject property: Commercial Tax ID: 15-052-246-001-40

Current use of property (example: single family, apartments, commercial, industrial, etc.):

Commercial

Proposed use: Mixed use-Apartments in basement, 2nd & 3rd floors & retail on Bridge Street

Dimensions of parcel: 44.6' wide x 82.3' deep Parcel size: 3,670 .084
 Square feet Acres

Please describe the type of construction (example: 20' x 20' addition to the rear of the building for storage.):

We plan to add a 3rd floor residence along with stairways to a rooftop patio. The basement will be remodeled to be two apartments; one - two bedroom and one - one bedroom. There will be two retail units

on Bridge Street and single, three bedroom residences on both the second and third floors with a patio to be constructed on the rooftop.

Dimensions of proposed construction, excluding eaves: 44.6' wide x 82.3' deep

Total square footage of proposed construction: 4 levels of 3670 sq ft each totals 14,680 sq ft

Height of proposed construction to the top of the roof: 37'-10" to roof top; Area over stairwells at 46'-0"

Height of proposed construction to the midpoint of the roof, for gabled roof: N/A

Roof type (example: gable, hip, flat, etc.): Flat

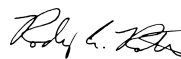
Square footage of all impervious surfaces (please show all on site plan: paved driveways, sidewalks, patios, etc.): 3670 sq ft of roof top

Requested date to begin construction if known: October of 2023

AFFIDAVIT

I the undersigned, do hereby make application to the City of Charlevoix for approval of the attached Site Plan which has been drawn in accordance with the City of Charlevoix Zoning Ordinance. I certify that the property owner has authorized the proposed work, and that I have been empowered by the owner to make this application as his/her selected agent. I agree the statements made in the above application and associated documents are true, and if found not to be true, the approval of the site plan may be void. I also agree to comply with the conditions and regulations required by the approved development plan. Further, I agree that if the site plan is approved, it is approved with the understanding that the individual(s) or organization(s) applying for that site plan (or those individual(s) or organization(s) represented by the applicant) will comply with all applicable sections of the City of Charlevoix Zoning Ordinance. For purposes of site inspection, I also agree to notify the City of Charlevoix Zoning Administrator when locations of lot lines and proposed structures are located and staked on the ground. I also 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. I understand that the City may impose conditions of approval and that the conditions must be met by the specific times as defined in the Decision and Order. Finally, I understand that this is a site plan application, and if approved, cannot be implemented until applicant has applied for and the City has issued a zoning permit.

Property Owner Signature or Authorized Agent: _____



Date: 8/24/2022

THIS SECTION FOR OFFICE USE ONLY

Zoning District: _____

Tax ID: 052-_____-_____-_____-_____

Receipt Number: _____

Date Inspected: _____

Approved: ☐

Denied: ☐

If variance was required: Project # _____

Lot Coverage Calculations:

Existing: _____

Proposed: _____

Total: _____

Lot Size: _____ Percentage: _____

Staff findings or notes: _____

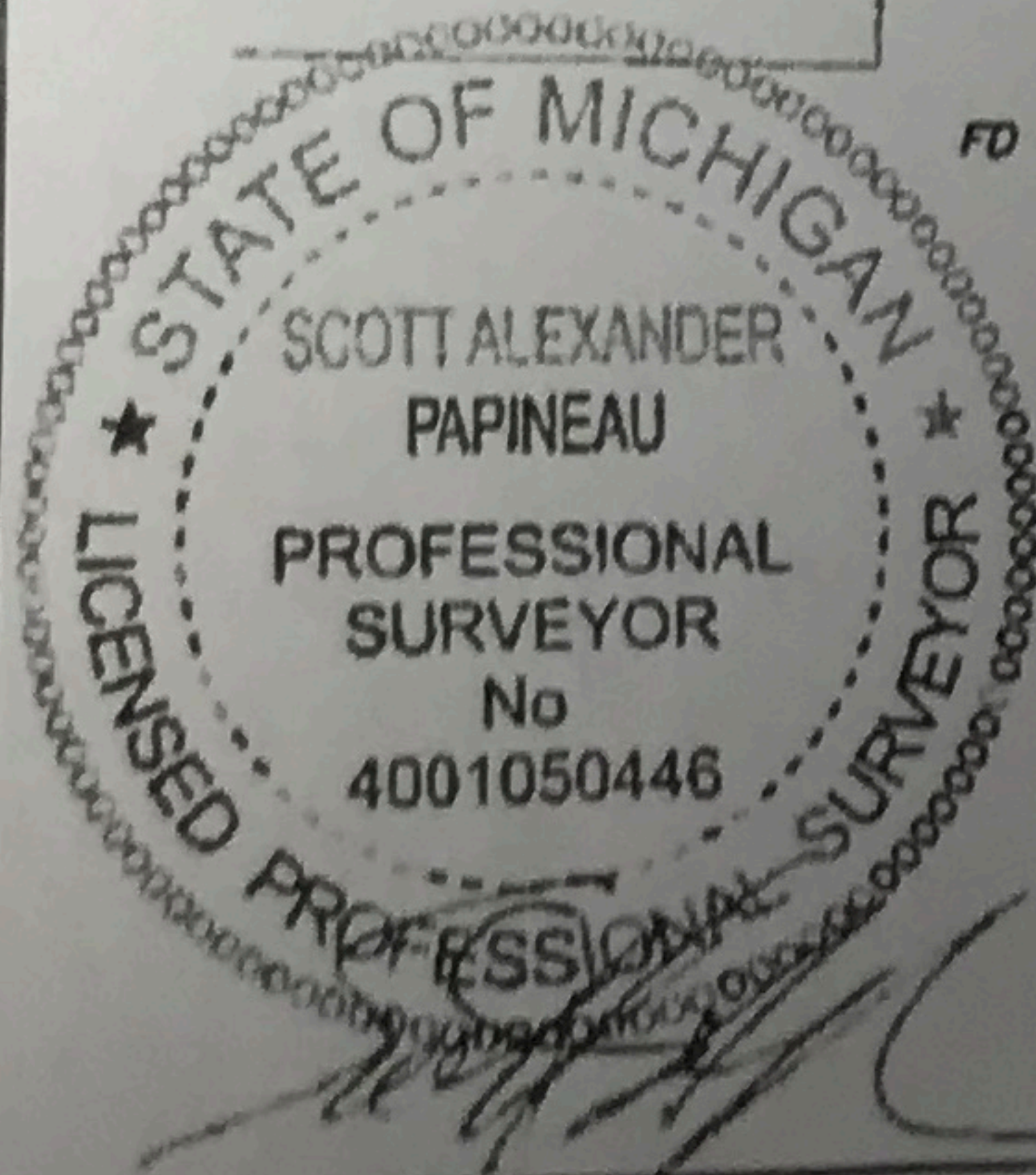
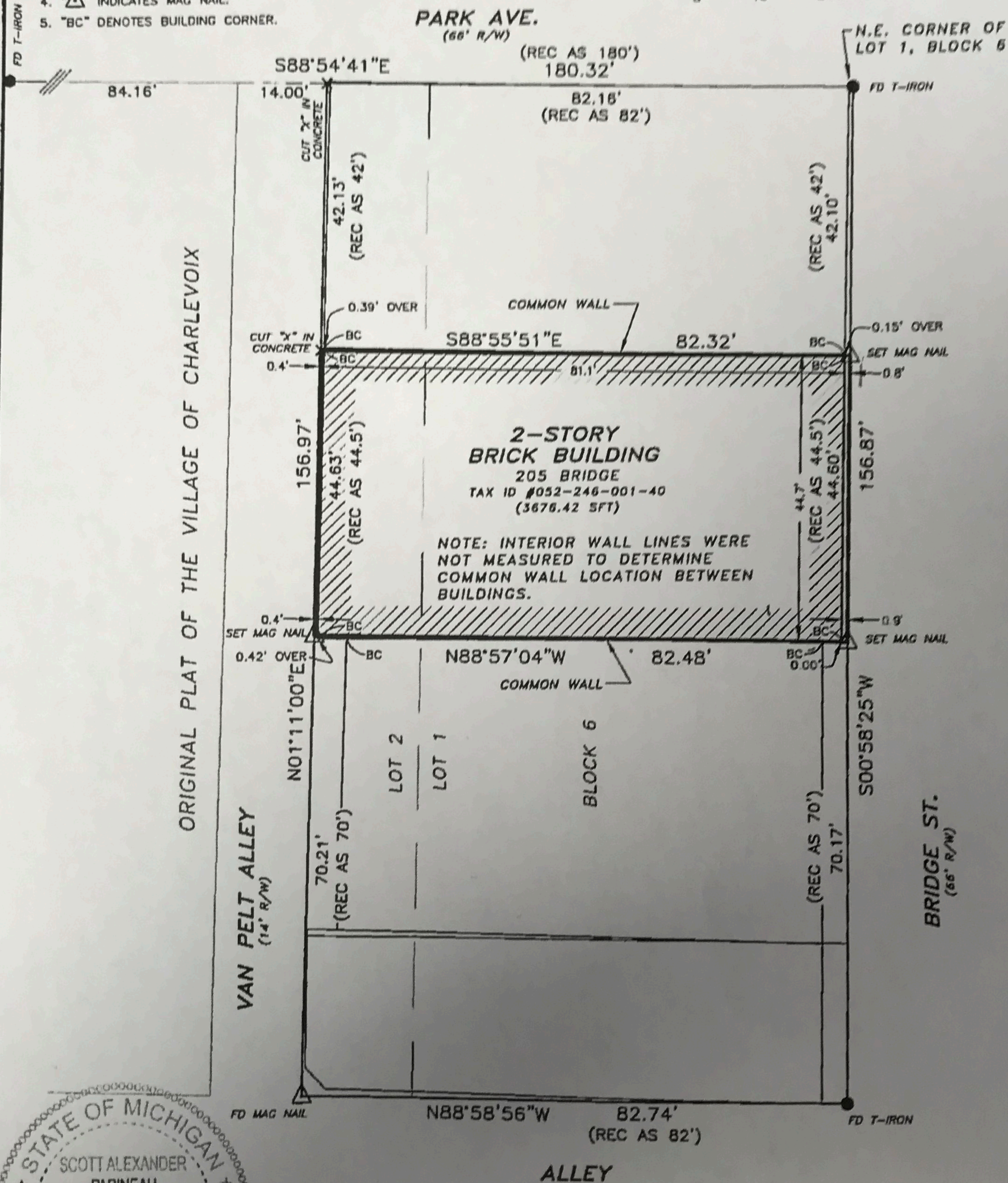
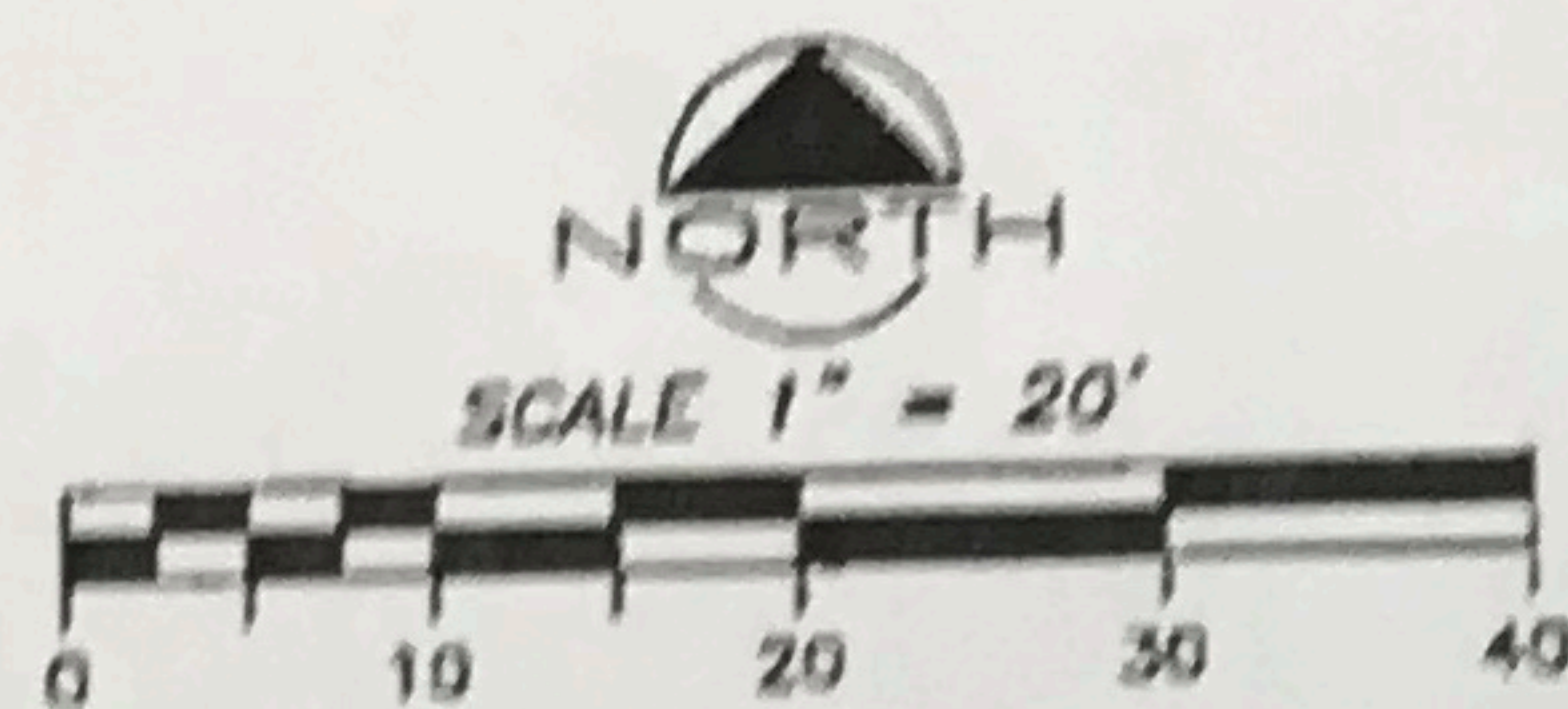
Zoning Administrator Signature: _____

Date: _____

PREPARED FOR: CHARANN DOR, LLC
11026 SPLIT OAK DR.
WEST OLIVE, MI 49460

LEGEND:

1. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. BEARINGS ARE ON AN ASSUMED BASE.
3. "●" INDICATES IRON/ROD FOUND IN PLACE.
4. "△" INDICATES MAG NAIL.
5. "BC" DENOTES BUILDING CORNER.



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.

SHEET 1 OF

SHEET 1 OF 1

PROFESSIONAL SURVEYORS

EMAIL: info@fcasurveying.com

FIELD: 06-02-21	STAKED: MN	DRAWN: IDS
JOB: 5B-2B291c.21	DATE: 06/14/2021	

SCOTT A. PAPINEAU

P.S. NO. 4001050446



LEGAL DESCRIPTION
205 BRIDGE ST DDA 1984 209 BRIDGE ST C1 COM 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.

Proposed building modification for 205 Bridge Street
Lot Size 3,676 sq.ft.
Building Lot Coverage 3,555 sq.ft. = 96.7% Total Lot coverage
ZONED CBD - Central Business District

BUILDING FOOTPRINT WOULD NOT CHANGE. EXISTING ROOF STRUCTURE SHALL BE REMOVED AND A FULL 3rd FLOOR AND PARTIAL 4TH FLOOR ACCESS TO OCCUPIED ROOF PATIO ADDED.

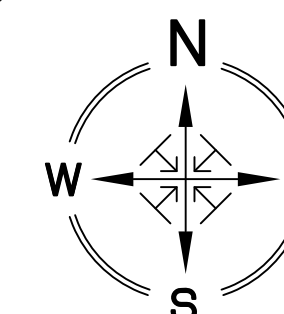
PROPOSED USES SHALL BE AS FOLLOWS:

BASEMENT LEVEL: 2 APARTMENTS	1 APARTMENT WITH 1 BED 1 APARTMENT WITH 2 BEDS
MAIN LEVEL: 2 RETAIL STORES	
2nd LEVEL: 1 APARTMENT	1 APARTMENT WITH 3 BEDS
3rd LEVEL: 1 APARTMENT	1 APARTMENT WITH 3 BEDS
4th LEVEL: ROOF ACCESS FOR APARTMENTS TENANTS TO OCCUPIED ROOFTOP PATIO.	
	TOTAL PROPOSED APARTMENTS 1 APARTMENT WITH 1 BED 1 APARTMENT WITH 2 BEDS 2 APARTMENTS WITH 3 BEDS

PERVIOUS IMPERVIOUS SITE CALCULATIONS:
Existing site is 100% Impervious
Proposed site is 100% Impervious

SHEET INDEX

C1	SITE PLAN
A1	FLOOR PLAN
A2	FLOOR PLAN
A3	ROOF PLAN
A4	EXTERIOR ELEVATIONS
A5	EXTERIOR ELEVATIONS
A6	EXTERIOR ELEVATIONS
A8	PROPOSED SECTION



SITE PLAN
SCALE: 1"=20'-0"

RP

RICHARD POSTEMA ASSOCIATES
ARCHITECTS, DESIGNERS, & ENGINEERS
1880 4th ST., S.W.
GRAND RAPIDS, MI 49509
PH. 616 251 3820

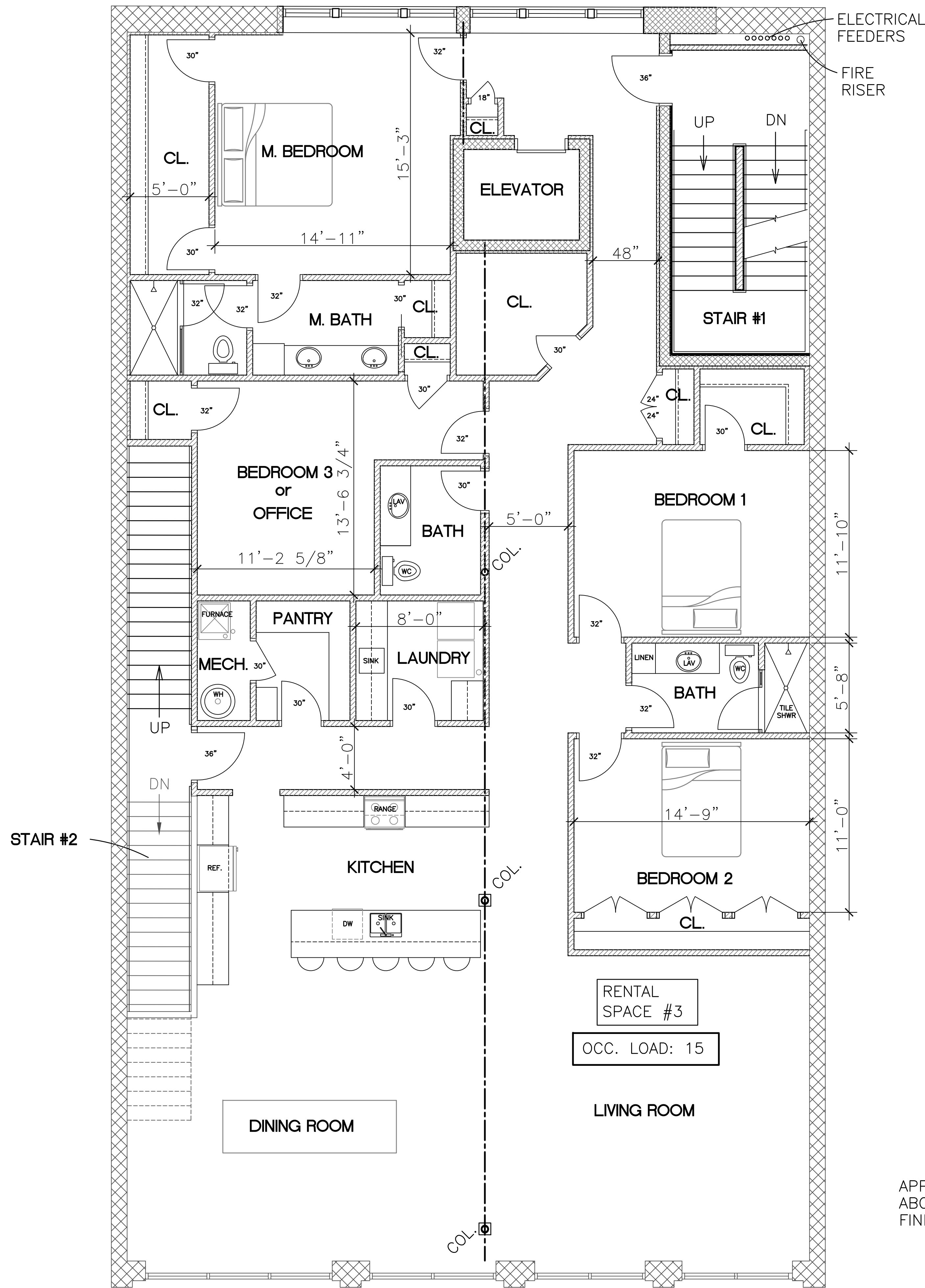
CHARANNDOR
205 BRIDGE ST.
CHARLVOIX, MI

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Richard Postema Associates P.C.

JOB NO.
506821

DATE
01-18-22
02-25-22
08-16-22
Site Approval :08-22-22
08-24-22

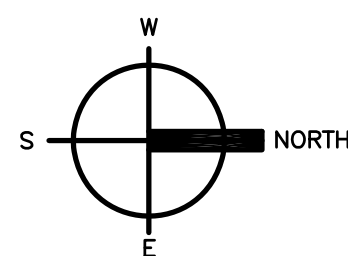
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C1



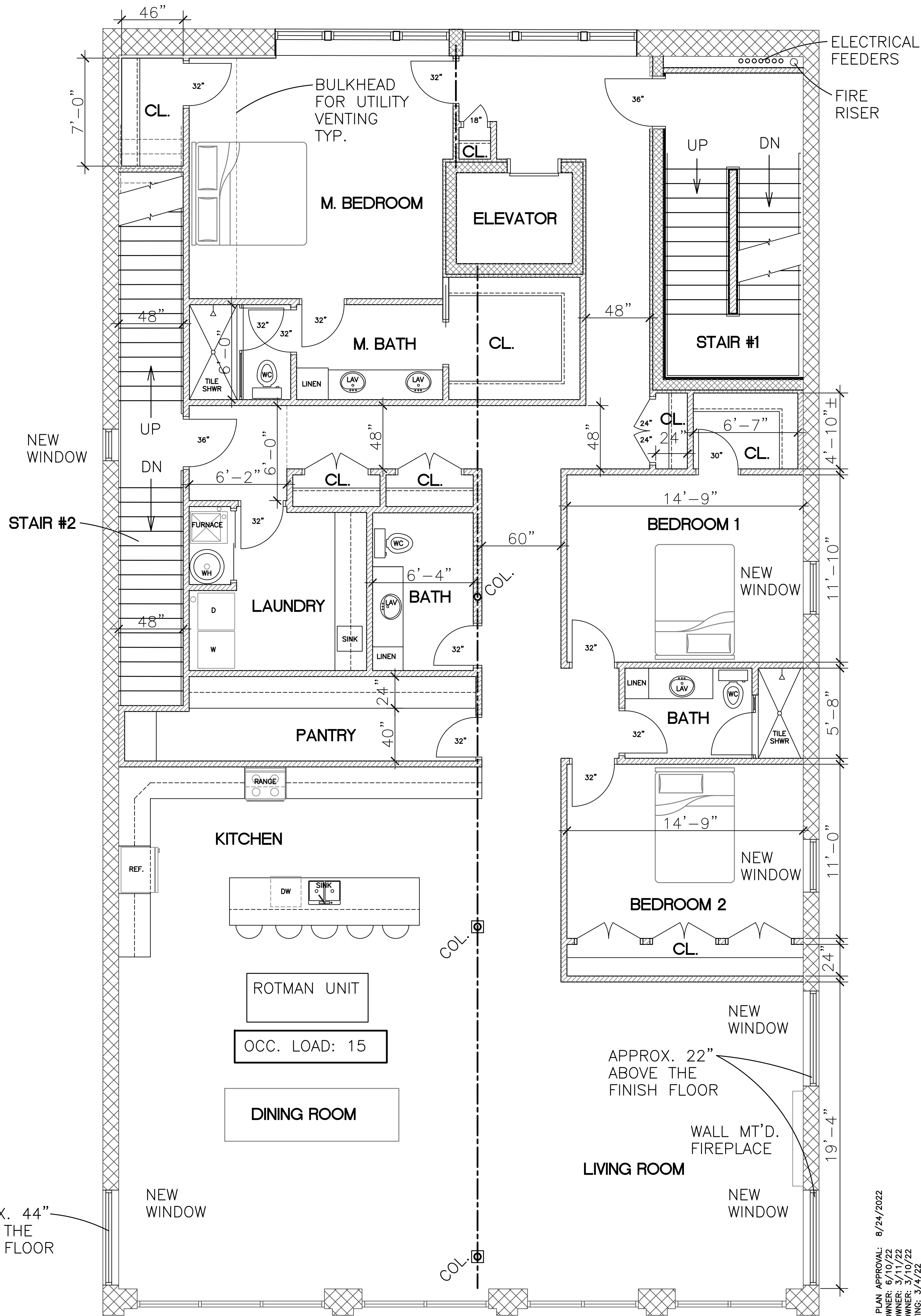
1
A2
SECOND FLOOR PLAN
SCALE: 1/4"=1'-0"

GROSS FLOOR AREA: 3,620 S.F.
USABLE FLOOR AREA: 3,346 S.F.

COMMON AREAS	470 S.F.
RENTAL SPACE #3 FLOOR AREA	3,188 S.F.
OVERALL AREA	3,658 S.F.



GROSS FLOOR AREA: 3,568 S.F.
USABLE FLOOR AREA: 3,346 S.F.



2
A2
THIRD FLOOR PLAN
SCALE: 1/4"=1'-0"

COMMON AREAS	458 S.F.
APARTMENT #1 FLOOR AREA	3,200 S.F.
OVERALL AREA	3,658 S.F.

8/24/2022
SITE PLAN APPROVAL:
TO OWNER: 10/10/22
TO OWNER: 3/1/22
TO OWNER: 3/10/22
MEETING: 3/4/22
TO OWNER: 3/2/22
TO OWNER: 3/2/22
TO OWNER: 3/2/22
TO OWNER: 12/9/21

RICHARD POSTEMA ASSOCIATES
ARCHITECTS, DESIGNERS, & ENGINEERS
1650 4th ST., S.W.
GRAND RAPIDS, MI
PH. 616 431 3860
MICHIGAN 49509

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205 BRIDGE ST.
CHARLEVOIX, MI

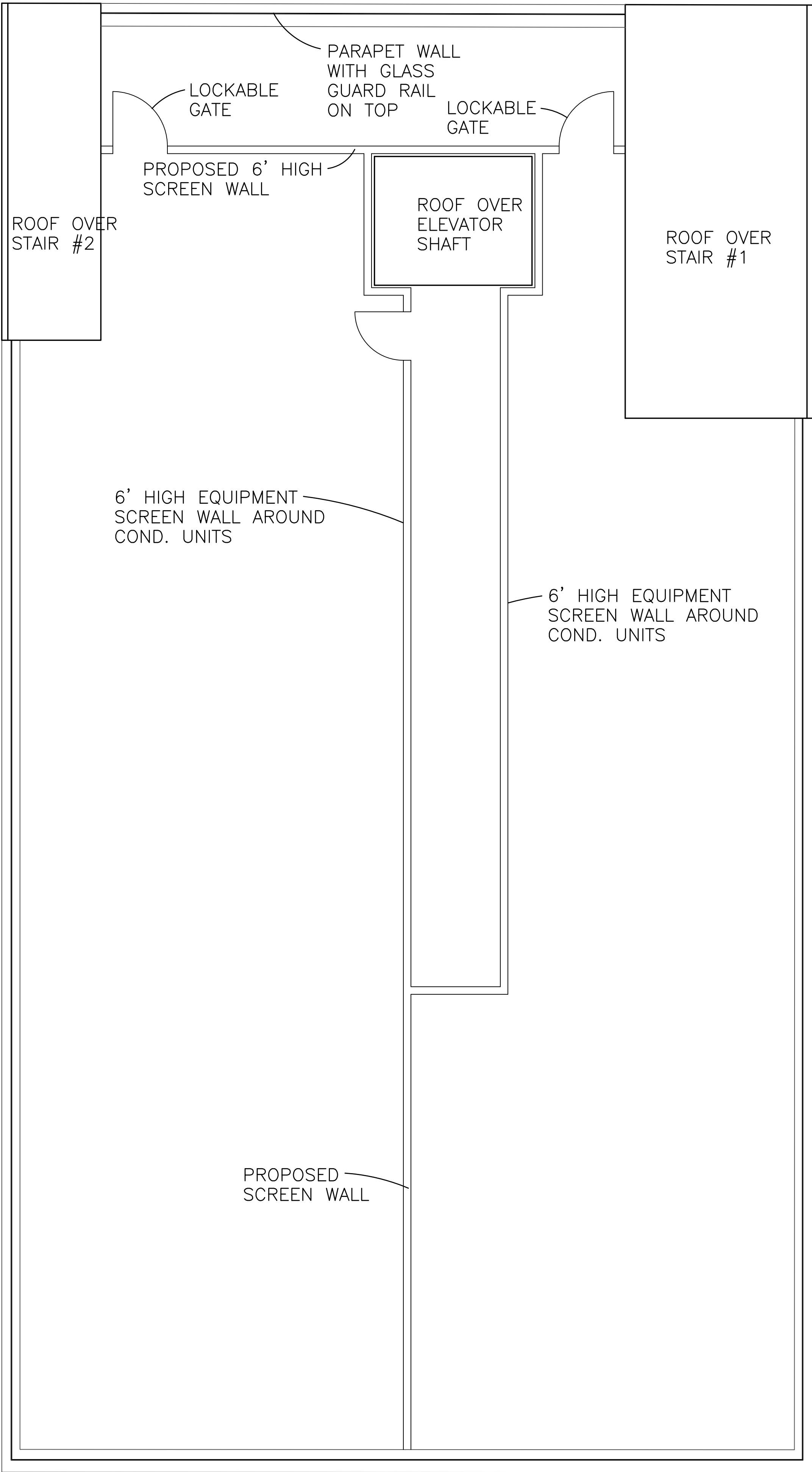
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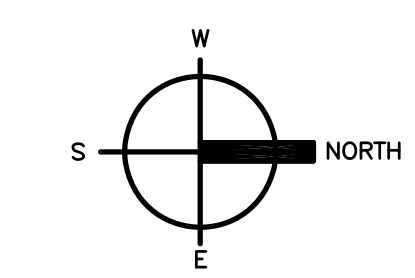
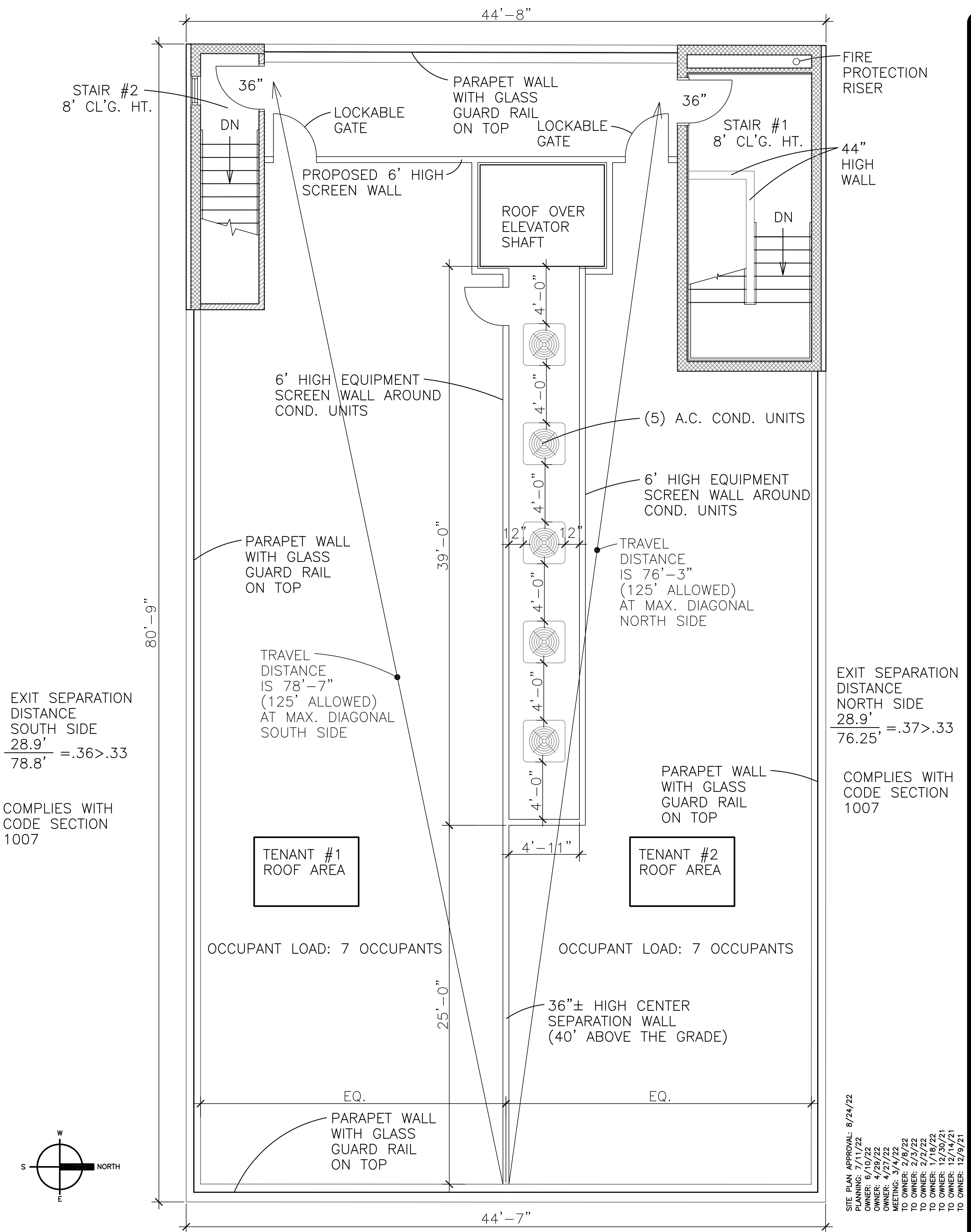
DATE

TO OWNER:	10/19/21
TO OWNER:	10/21/21
TO OWNER:	10/26/21
TO OWNER:	10/27/21
TO OWNER:	10/28/21
TO OWNER:	11/18/21
TO OWNER:	11/22/21
TO OWNER:	12/1/21
TO OWNER:	12/7/21

SHEET NO.
A2



2 UPPER ROOF PLAN
A3 SCALE: 1/4"=1'-0"



COMMON AREAS	336 S.F.
ROOF AREA	3,266 S.F.
OVERALL AREA	3,602 S.F.

1 FOURTH FLOOR PLAN
A3 SCALE: 1/4"=1'-0"

SITE PLAN APPROVAL: 8/24/22
PLANNING: 7/11/22
OWNER: 6/10/22
OWNER: 4/29/22
OWNER: 4/29/22
MEETING: 3/14/22
TO OWNER: 2/6/22
TO OWNER: 2/3/22
TO OWNER: 2/2/22
TO OWNER: 1/18/22
TO OWNER: 12/30/21
TO OWNER: 12/9/21

RICHARD POSTEMA ASSOCIATES
ARCHITECTS, DESIGNERS, & ENGINEERS
1680 4th ST., S.W.
GRAND RAPIDS, MICHIGAN 49509
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JOB NO.
506821

DATE
TO OWNER: 10/19/21
TO OWNER: 10/21/21
TO OWNER: 10/26/21
TO OWNER: 10/28/21
TO OWNER: 11/18/21
TO OWNER: 11/22/21
TO OWNER: 11/23/21
TO OWNER: 12/1/21
TO OWNER: 12/7/21

SHEET NO.
A3

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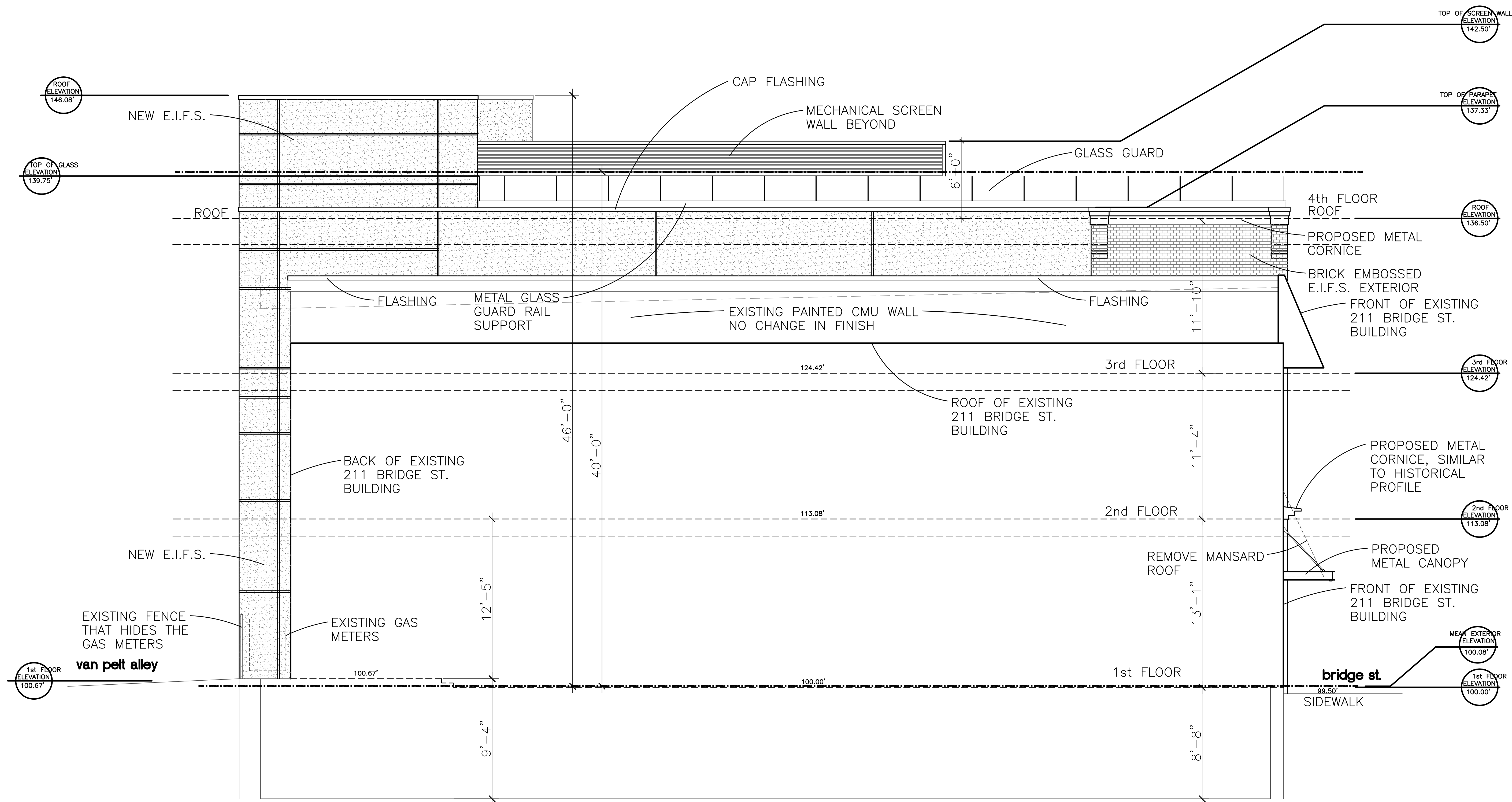
JOB NO.

DATE _____

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TO OWNER: 10/21/21
TO OWNER: 10/26/21
TO OWNER: 10/27/21
TO OWNER: 10/28/21
TO OWNER: 11/18/21
TO OWNER: 11/22/21
TO OWNER: 1/18/22
TO OWNER: 2/8/22

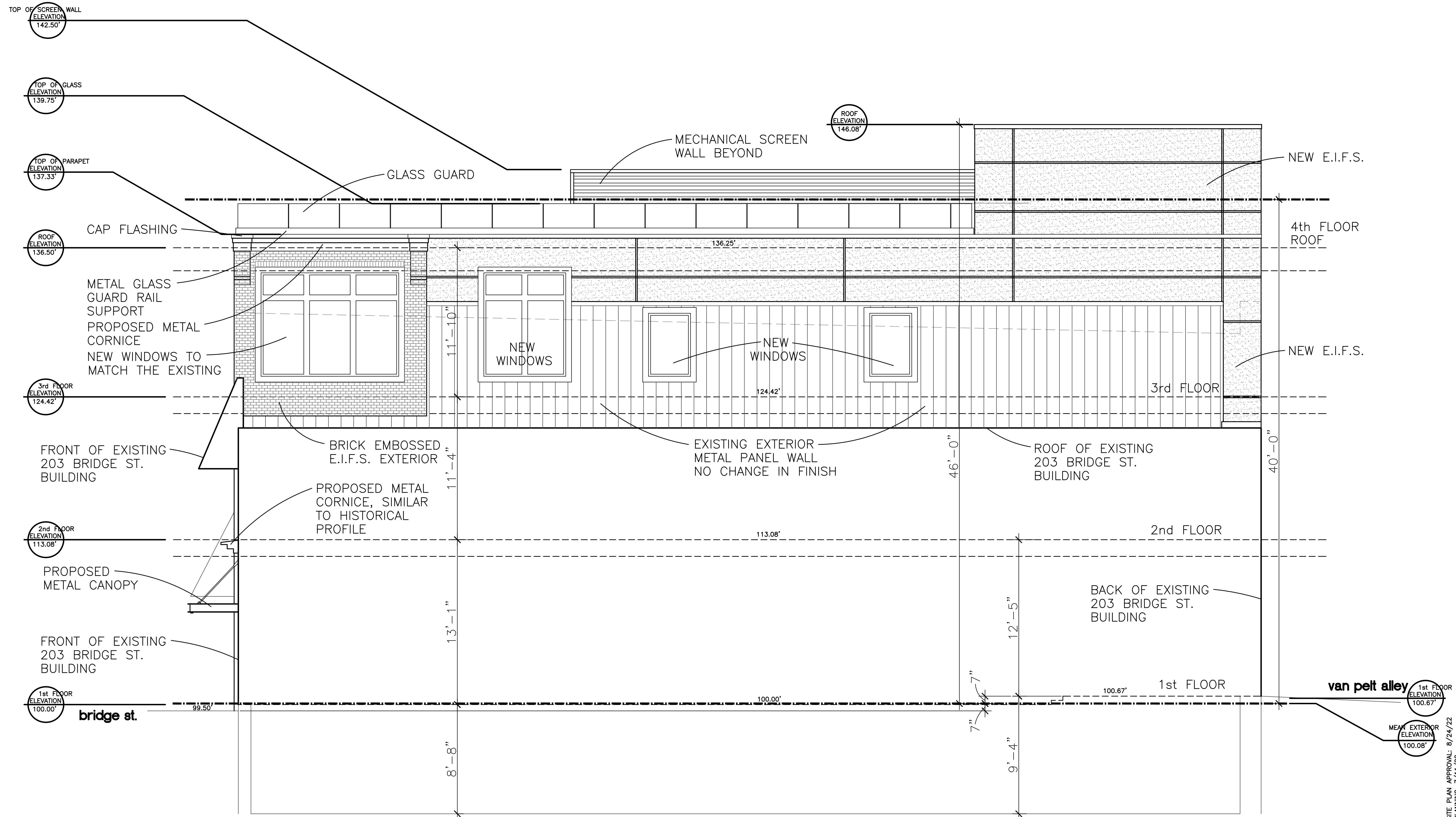
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A5

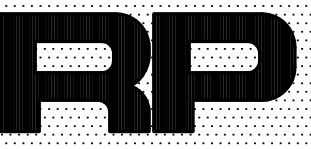


1 PROPOSED (SOUTH) ELEVATION
A5 SCALE: 1/4"=1'-0"

SITE PLAN APPROVAL: 8/24/22
TO PLANNING: 7/11/22
TO OWNER: 4/29/22
TO OWNER: 2/25/22



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



RICHARD POSTEMA ASSOCIATES
ARCHITECTS, DESIGNERS, & ENGINEERS
1680 4th ST., S.W.
GRAND RAPIDS, MICHIGAN 49503
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JOB NO.
506821

DATE
TO OWNER: 10/19/21
TO OWNER: 10/21/21
TO OWNER: 10/26/21
TO OWNER: 10/27/21
TO OWNER: 10/28/21
TO OWNER: 11/18/21
TO OWNER: 11/22/21
TO OWNER: 1/18/22
TO OWNER: 2/8/22

SHEET NO.
A6

SITE PLAN APPROVAL: 8/24/22
TO OWNER: 1/18/22
TO OWNER: 4/25/22
TO OWNER: 2/25/22



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205 BRIDGE ST.
CHARLEVOIX, MI

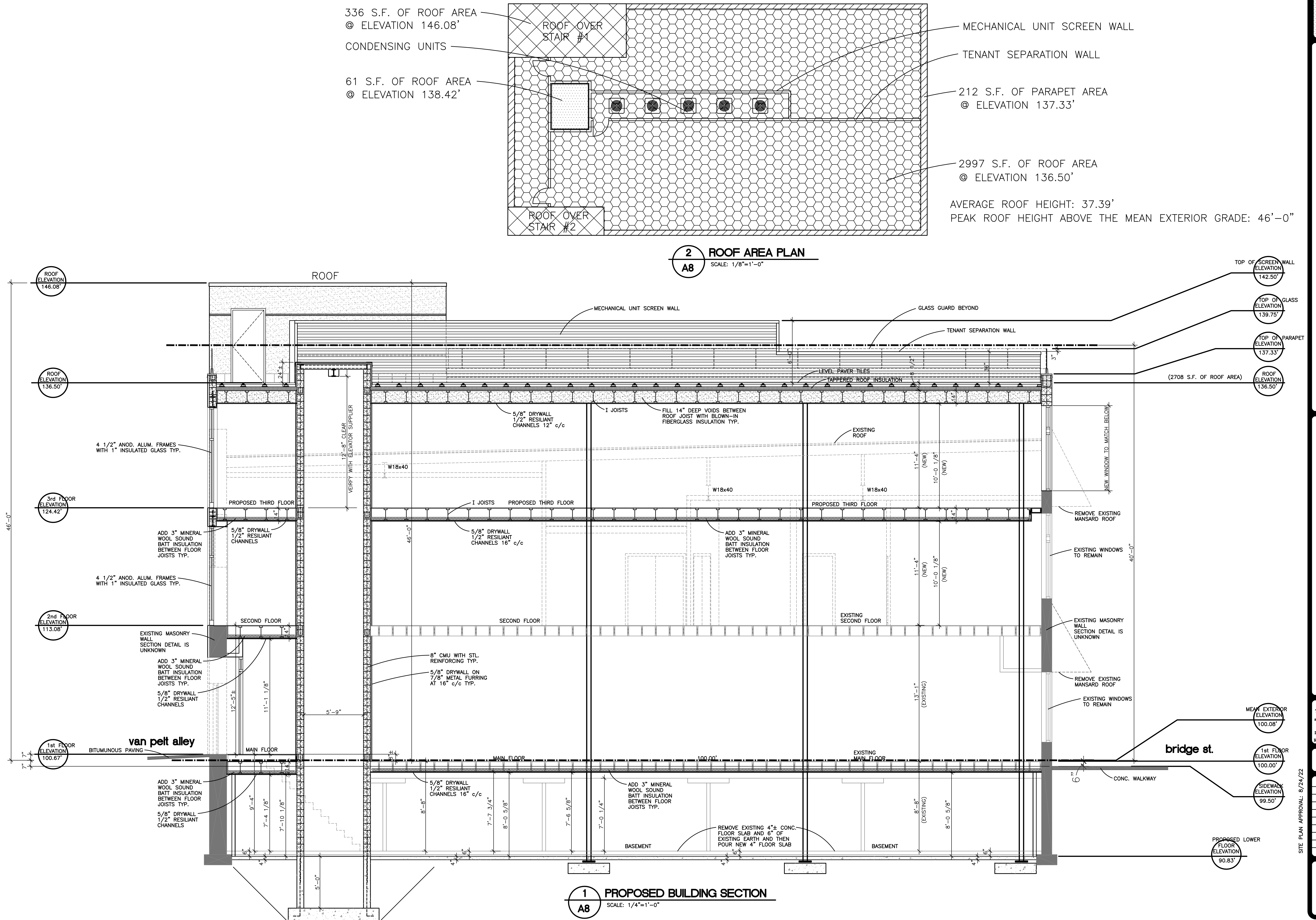
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JOB NO.
506821

DATE
OWNER: 6/25/21
OWNER: 7/13/21
OWNER: 11/9/21
OWNER: 11/18/21
OWNER: 11/22/21
EVISED: 2/25/22
ARIANCE: 3/30/22
OWNER: 4/29/22
OWNER: 5/27/22

SHEET NO.

A8



Charlevoix Planning Commission

New Business

Title: Building Height Corrective Language Amendment

Date: September 12, 2022

Presented By: Janet Koch, Zoning Administrator

Background:

The prepared draft is for discussion purposes. Corrective language is required to clarify Sections 153.005 and 153.146 regarding building height definition and applicability. Per Planning Commission direction, the draft language will be prepared for a formal public hearing.

Recommendation:

Staff recommend approval of the proposed language.

Attachments:

1. Building Height Definition

City of Charlevoix Planning Commission

September 12, 2022 Meeting

Building Height Definition

Changes Marked in Red

§ 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 (See § 153.146 of this chapter.)

§ 153.146 STRUCTURE HEIGHT CALCULATIONS AND HEIGHT LIMITS.

- (E) Height limits specified elsewhere in this chapter shall not apply to:
- (2) Barns, silos or other buildings or structures on farms; church spires, belfries, cupolas and domes; monuments; ~~transmission towers;~~ windmills; ~~chimneys; smokestacks; flagpoles; and radio towers, masts and aerals.~~ These structures shall be limited to 100 feet in height in any case, unless otherwise permitted in this chapter.

Charlevoix Planning Commission

New Business

Title: Building Height Story Amendment

Date: September 12, 2022

Presented By: Janet Koch, Zoning Administrator

Background:

The prepared draft is for discussion purposes. Per the direction from the Commission, Staff prepared draft language to amend Sections 153.072, 153.087, and 153.116 regarding building height and the number of permitted stories. Per Planning Commission direction, the draft language will be prepared for a formal public hearing.

Recommendation:

Staff request discussion and direction from the Planning Commission.

Attachments:

1. Building Height and Story

City of Charlevoix Planning Commission

September 12, 2022 Meeting

Building Height and Story Discussion

Changes Marked in Red

§ 153.072. AREA, HEIGHT AND PLACEMENT REQUIREMENTS

Table 153.072(b): Dimensional Requirements in Single-Family, Two-Family, Private Club Residential

Zoning District	Max. Average Building Height (ft.) ⁷ / Max. number of stories	Minimum Yard Setbacks (ft.)				Maximum Lot Coverage (%)	Min. Floor Area (sq. ft.)		Principal Structure Minimum Width (ft.)
		Front ³	Side		Rear		1 story	2 stories	
			Interior	Street Side					
R1	26 / 2	15 ⁴	10	15	25	40 ⁵	1,040	1,600	20
R2	26 / 2	15	8	15	25	40 ⁶	800	1,200	20
R2A	26 / 2	15	10	20	30	40	800	1,200	20
PC	26 / 2	0	0	0	0	NA	0	0	20

NOTES TO TABLES 153.072(a) and 153.072(b)

7 See § 153.005 DEFINITIONS for the definition of building height.

Table 153.072(d): Dimensional Requirements in Multiple-family Dwellings in the R4 Zone

Max. Average Building Height (ft.)² / Max. number of stories
35 / 3

NOTES TO TABLE:

2 See § 153.005 DEFINITIONS for the definition of building height.

Table 153.072(f) Dimensional Requirements: Single-Family Attached, Single-Family Detached and Two-Family Dwellings in an R4 Zone Clustered Housing Development

Max. Average Building Height (ft.)³ / Max. number of stories
30 / 3

NOTES TO TABLE:

3 See § 153.005 DEFINITIONS for the definition of building height.

§ 153.087 AREA, HEIGHT AND PLACEMENT REQUIREMENTS.

Table 153.087: Dimensional Requirements, Non-Residential and Mixed Use Districts

Zoning District	Max. <i>Average Building Height</i> (ft.)^{7/} <i>Max. number of stories</i>
PO	26 / 2
GD	26 / 2
CBD	40 / 3
CH	30 / 3
MC	35 ⁴ / 3
SR	§ 153.088(A)
I	30 / 3
P	35 / 3
CM	35 / 3

NOTES TO TABLE:

⁷ See § 153.005 DEFINITIONS for the definition of building height.

§ 153.116 ACCESSORY BUILDINGS AND USES.

(A) Accessory buildings and structures.

(8) Detached accessory structures shall not exceed 16 feet in height. See § 153.005 DEFINITIONS for the definition of building height.

Charlevoix Planning Commission

New Business

Title: Residential Unit Size Amendment

Date: September 12, 2022

Presented By: Jennifer Neal, Community Planner

Background:

The prepared draft is for discussion purposes. Per the direction of the Planning Commission, Staff proposes alternative dimensions for the Minimum Gross Floor Area (sq. ft.) in Section 153.072. Per Planning Commission direction, the draft language will be prepared for a formal public hearing.

Recommendation:

Staff request discussion and direction.

Attachments:

1. Residential Units Sizes 9822

City of Charlevoix Planning Commission

September 12, 2022 Meeting

Residential Unit Size

Changes Marked in **Red**

§ 153.072 AREA, HEIGHT AND PLACEMENT REQUIREMENTS.

(B) *Dimensional requirements, single-family and two-family districts.* Building height, setbacks, lot coverage and minimum floor area for development of a principal structure in the R1, R2, R2A, R4, and PC Districts shall conform to the requirements of Table 153.072(b) of this chapter.

Table 153.072(b): Dimensional Requirements in Single-Family, Two-Family, Private Club Residential									
Zoning District	Max. Building Height (ft.)	Minimum Yard Setbacks (ft.)				Lot Coverage (%)	Min. <u>Gross</u> Floor Area (sq. ft.)		Principal Structure Minimum Width (ft.)
		Front ³	Side		Rear		1 story	2 stories	
			Interior	Street Side					
R1	26	154	10	15	25	405	800 1,040	1,600 1,200	20
R2	26	15	8	15	25	406	800	1,200	20
R2A	26	15	10	20	30	40	800 400	1,200 800	20
PC	26	0	0	0	0	NA	0	0	20

Charlevoix Planning Commission

New Business

Title: Revised ADU Architectural Standards Amendment

Date: September 12, 2022

Presented By: Jennifer Neal, Community Planner

Background:

Per the direction of the Planning Commission and the City Attorney, Staff have prepared draft architectural standards and minor amendments for accessory dwelling units. Staff request direction to prepare the draft language for a formal public hearing.

Recommendation:

Staff request discussion and direction on the draft language.

Attachments:

1. Draft ADU architectural standards w changes

Draft Zoning Ordinance Amendment
For Planning Commission Review
September 12, 2022

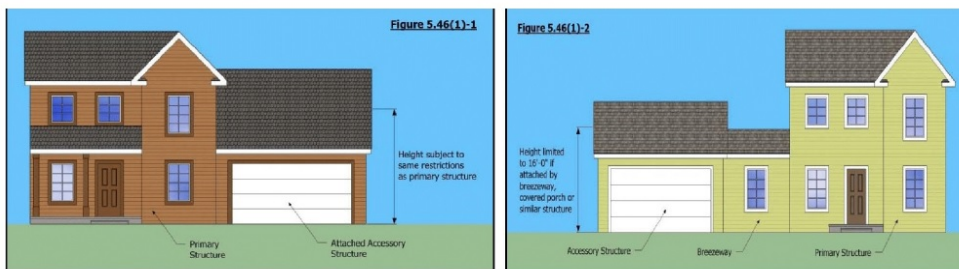
ADU Building Type Standards Draft
Proposed Language Marked in Red

Section 153.005 Definitions

Accessory dwelling unit (ADU). See Dwelling Unit: Dwelling, Accessory (ADU).

Accessory Structure. See Structure, Accessory. ~~An attached or detached structure on the same lot with and of a customarily incidental nature that is subordinate to the principal use or building/structure. (See § 153.116 of this chapter.)~~

Dwelling Unit. A building or portion of a building, designed for use and occupancy by individuals, or one family, for living, kitchen and bathing facilities. A recreational vehicle, vehicle chassis or tent is not considered a **DWELLING**.



(d) **Dwelling, Accessory (ADU).** An accessory building that incorporates one dwelling unit. A second unit on an owner-occupied single-family parcel that is a minimum of three-hundred (300) and less than six-hundred-fifty (650) square feet and is either attached to the principal dwelling or in a separate structure on the same parcel.

Add figure for detached ADU Building

Structure. Anything constructed or erected requiring a permanent location in or on the ground, or that must be attached to something having such a permanent location. Structures include, but are not limited to, houses, buildings, accessory structures or buildings, fences, signs, decks, retaining walls, parking lots, access drives and swimming pools.

Structure, Accessory. An attached or detached structure on the same lot with and of a customarily incidental nature that is subordinate to the principal use or building/structure. (See § 153.116 of this chapter.)

Section 153.072(C) Dimensional requirements: square footage for accessory dwelling units and home conversion units. Square footage for accessory dwelling units and home conversion units shall conform to the requirements of Table 153.072(c).

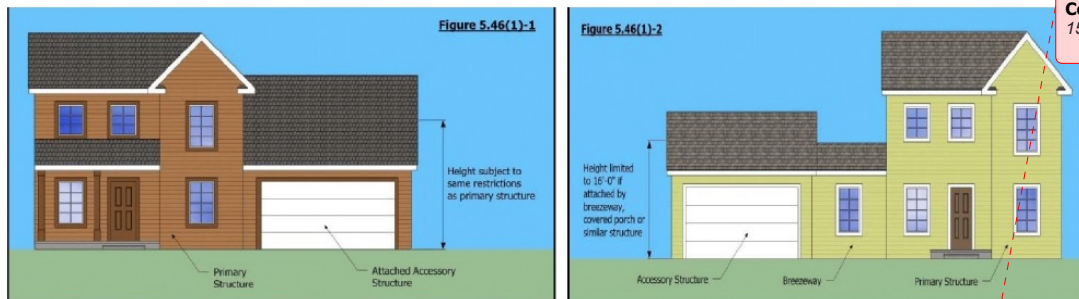
Table 153.072(c): Dimensional Requirement: Square footage for Accessory Dwelling Units and Home Conversion Units		
Zoning District	Minimum	Maximum
R2	300	900 650

Section 153.116 Accessory Buildings and Uses.

(A) Accessory buildings and structures.

(1) Authorized accessory buildings and structures may be erected as part of the principal building, may be connected to the principal building by a roofed breezeway or similar structure or may be completely detached from the principal building.

(2) Where an accessory building is attached to the principal building, it shall be considered part of the principal building for purposes of determining setback dimensions and building height. If, however, the attached accessory building is connected to the principal building by a roofed porch, breezeway or similar covered structure, it shall not exceed 16 feet in height, shall not be closer than 20 feet to the rear lot line and shall meet the front and side yard setback requirements of that zone district.



Comment [JN1]: Figure moved to Section 153.005 Definitions – see above

(3) In the R1 and R2 Single-Family Residential Districts, if the principal building has an attached accessory building, only one detached accessory building shall be permitted.

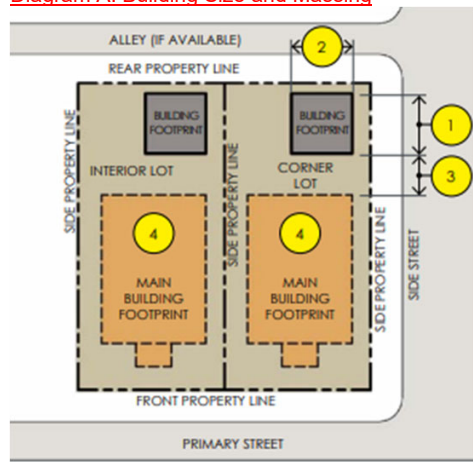
(4) Lots in the R1 and R2 Zone shall be permitted to have a secondary detached accessory building, such as a storage shed. Secondary accessory buildings shall meet all the requirements of this section and not exceed 200 square feet in area.

(5) Building Size and Massing. Accessory buildings and structures shall meet the following requirements and Diagram A

- (a) No ~~detached~~ accessory building shall have a building footprint ~~greater than (30' (length-x 30' width) (Diagram A: 1,2)~~ greater than ~~9002,000~~ square feet ~~with no side to exceed 30 feet. An accessory building shall not be larger than the main structure (Diagram A: 4).~~

- ~~(b)~~ ~~(6)~~ The minimum distance between a principal building and detached accessory buildings shall be ten feet (Diagram A: 3), and a minimum of ten feet shall be provided between the sides of adjacent single-family buildings and/or accessory structures.

Diagram A: Building Size and Massing



- ~~(67)~~ Detached accessory buildings and structures shall meet the following minimum setbacks.

- (a) Rear yard: six feet from a rear lot line. Detached accessory structures that store vehicles adjacent to alleys or sidewalks shall not be closer than 15 feet from the edge of the alley or sidewalk surface.
- (b) Side yards: an accessory building shall conform to the side yard setback requirements of the principal building, unless it is located in a street side yard, the minimum setback shall be 15 feet from the street side lot line.
- (c) Front yard: an accessory structure shall not be located within any front yard.

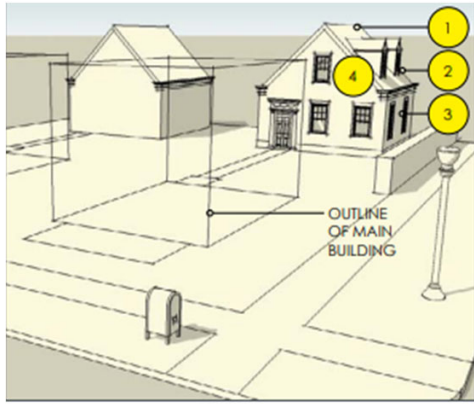
Add figure for detached accessory building

7. Design Standards. The following standards shall apply to buildings larger than 200 square feet:

- (a) Detached garages on corner lots shall face side streets. Detached garages on the corner side with driveways extending from the front street are prohibited. When an alley is available, access will come from the alley.
- (b) The structure shall be designed so that the appearance maintains that of a single-family dwelling. In determining whether a structure is so designed, the structure shall meet the following requirements and Diagram C:
 - i. Building with a flat roof, shall have a cornice expression line. ~~or~~ A pitched (sloped) roof that is shall be compatible with the architecture of the main building (1).
 - ii. Transparency Upper Floor: Building facades facing streets shall have minimum 10% of the façade be glass between the finish floor line of the second story and bottom of the cornice expression line or bottom eave (2).
 - iii. Transparency Ground Floor: Building facades facing streets shall have minimum 10% of the façade be glass between the adjacent grade and the finish floor line of the second story (3).

- iv. Window color and finish should complement the color and architectural style of the principal building (4).
- v. Exterior finish should be constructed of similar materials as the principal building or traditional materials such as wood, wood lookalike, brick, or stone.

Diagram C Façade Composition Requirements



(a)(c) Driveways see Section 153.189

(d) Design Standards do not apply to residences that may be built 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. (See Section 153.170 Building Appearance).

(8) Detached accessory structures shall not exceed 17'6"16 feet in height.

(9) Prohibited uses within detached accessory structures or accessory structures connected by a breezeway or similar structure in all districts except the R2 Zone:

- (a) May not contain features that form a habitable dwelling unit or create a second dwelling unit;
- (b) These structures may contain utility sinks, one bathroom, and refrigeration units. Full kitchen facilities that include a range or stove are prohibited; and
- (c) Rooms within accessory structures may be used for additional sleeping quarters for the owner, or resident, and their immediate family provided that these rooms may not be rented out as short or long term rentals for any length of time.

(10) Stand-alone carports are prohibited in all zones. Carports attached to existing structures shall meet the requirements of this chapter. Tents, wall tents, garages in a box and similar enclosures are prohibited.

(11) Permanent greenhouses shall be considered an accessory structure and meet the requirements of this section.

(B) Accessory Dwelling Units (ADUs)

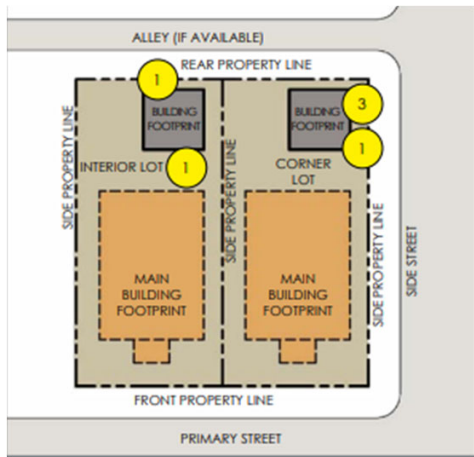
- (1) All of the requirements of Section 153.116(A) apply in addition to the ADU-specific requirements of this section.
- (2) ADUs shall be permitted as a single use or combined with another accessory use.
- (3) ADUs shall be permitted as a second-story use above a first-floor accessory use.
- (4) Examples of ADUs. The following images are intended as examples only and should be used for inspiration in the creation of ADU projects.



(5) Ground floor pedestrian access and activation. Accessory dwelling unit building type ground floor entrances shall meet the following requirement of Diagram B

- (a) Entrance for upper unit is required to be accessed from the alley, side street, or internal to the lot.
- (b) Entrance for upper unit shall not be through a garage.
- (c) Parking may be accessed from the alley, side street, or primary street per the requirements for off-street parking access in the zoning district.
- (d) Parking may be accessed from the front street only when there is no adjacent alley or side street.

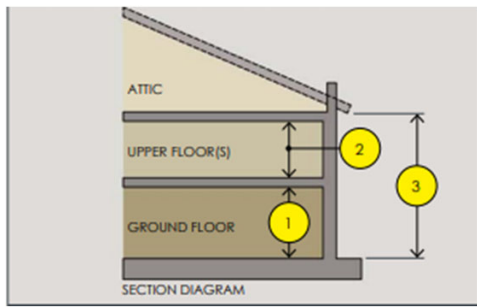
Diagram B Ground Floor Access



3. Building Type Floor Height Requirements. Building Type floor heights shall meet the following requirements and Diagram D.

1. Ground floor: Floor to ceiling height shall be 8 feet minimum.
2. Upper floors: floor to ceiling height shall as required by Building Code.
- 4-3. Overall height of Building Type is regulated by Zoning District, refer to Section 153.072

Diagram D Building Height Story Height



~~B-(C)~~ Additional requirements for swimming pools and hot tubs

~~C-(D)~~ Bed and Breakfast establishments

~~D-(E)~~ Boathouses and upland dredging

Continued

Section 153.117 *Residential Uses.*

(A) *Dwellings, single-family attached or detached (outside manufactured home communities).* All dwelling units located outside a licensed manufactured home community shall comply with the following.

(1) A dwelling unit shall conform to the minimum floor area requirements of the district in which it is located.

~~—(2)— A dwelling unit shall have a minimum floor-to-ceiling height of seven feet, six inches; or, if a manufactured home, it shall meet the requirements of the United States Department of Housing and Urban Development Regulations, entitled *Mobile Home Construction and Safety Standards*, effective 6-15-1976, as amended.~~

~~(23) The minimum width of a single-family dwelling unit shall be 202 feet for at least 67% of its length, measured between the longest exterior walls.~~

(34) All dwelling units shall comply with the state's Construction Code as promulgated by the state's Construction Code Commission under provisions of Public Act 30 of 1972, as amended, being M.C.L.A. §§ 125.1501 et seq. or the *Mobile Home Construction and Safety Standards*, as promulgated by the United States Department of Housing and Urban Development, being 24 C.F.R. part 3280, and as from time to time such standards may be amended.

(45) A dwelling unit shall be attached to a permanent foundation constructed in accordance with the State Construction Code and shall have the same perimeter dimensions as the dwelling. In the case of a manufactured home, it shall be installed per the manufacturer's set-up instructions and shall be secured to a foundation by an anchoring system or device complying with the rules and regulations of the state's Manufactured Housing Commission or the state's Construction Code, whichever is stricter.

(56) If provided, the wheels of a manufactured home shall be removed and the towing mechanism, undercarriage and chassis shall not be exposed.

(67) All dwellings shall be connected to city sanitary sewer and water utilities.

(78) Any addition to a dwelling shall meet all the requirements of this chapter.

(89) A dwelling may have either a roof overhang of not less than six inches on all sides or, alternatively, a roof drainage system that concentrates water at collection points and discharges it away from the dwelling.

(D) *Accessory dwelling unit (ADU).*

(1) ADUs are subject to all applicable regulations of the zoning district in which they are located unless otherwise expressly stated in this section. ADUs are considered an accessory building and shall fit within the standards of § 153.116(A) which covers both attached and detached ADUs. All ADUs are required to obtain a zoning permit prior to construction.

(2) In districts that allow ADUs, they may be allowed on any legal parcel of record as of January 1, 2019, and there shall be an existing principal residential use on the parcel.

(3) At least one of the units on the parcel shall be occupied by a long term renter or an owner with at least 50% interest in the subject property. The owner or renter shall occupy either the principal dwelling unit or the ADU as their permanent residence via Michigan homestead exemption. An ADU shall not be sold independently of the primary dwelling on the parcel. Short-term rentals of ADUs shall only be allowed in compliance with the standards and requirements of this Zoning Ordinance and the City of Charlevoix Code of Ordinances.

~~—(4) The minimum square footage of an ADU is 300 square feet. The maximum square footage of an ADU is 650 square feet.~~

(54) A permanent foundation is required.

(56) The maximum lot coverage for parcels with an ADU may be increased to a maximum of 50% when stormwater runoff equivalent to 20% of the lot coverage area is collected in rain barrels, rain gardens, or is mitigated via porous concrete or other materials on the parcel. See Section 153.152

~~—(7) The ADU shall be designed so that the appearance of the structure maintains that of a single-family dwelling.~~

(78) Any exterior staircases that provide access to a second floor ADU shall not be on the front of either the principal dwelling or the ADU.

(89) *Dimensional requirement modifications.* Under some circumstances certain dimensional requirements modifications may be granted by a Special Land Use Permit after a site plan review by the Planning Commission. Application for modifications may be applied for new construction or pre-existing structures built prior to 2019 that are located within the required setbacks of the district. In order to grant a Special Land Use permit for any modifications all of the following must be met:

(a) That any walls within the setback areas comply with applicable building and fire codes.

(b) That a setback requirement of a minimum of 5 feet from the side and rear property lines shall be required.

(c) The location and design of the ADU maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, air, or parking of adjacent properties.

(d) Windows on the ADU that impact the privacy of the neighboring side or rear yards have been minimized or screened.

(G) *Single-family attached and single multiple-family buildings.*

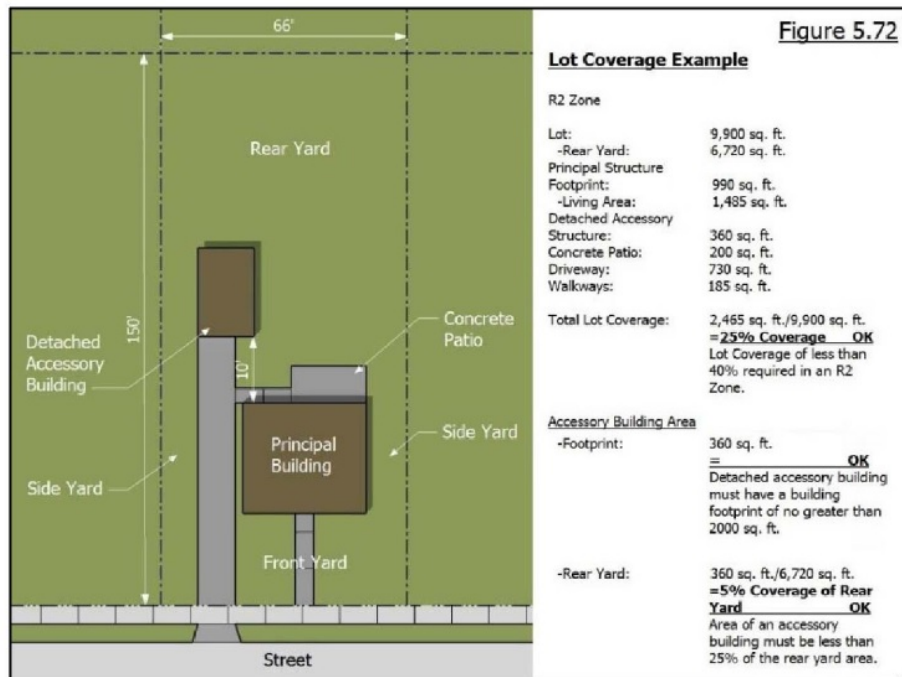
(8) Porches and stoops may project into the yards [in accordance with Section 153.149.](#)

(9) Façade elements above the ground floor may project into the yards [in accordance with Section 153.149.](#)

Section 153.152 Lot Coverage Requirements.

(A) Lot coverage requirements in all zones shall be calculated by dividing the total area of the lot by the total square footage of all impervious surfaces.

(B) Use of materials such as gravel or stone, pavers and similar permeable surfaces shall not count be calculated in lot coverage, however; the use permeable surfaces shall not exceed 60% of the lot area.



(C) [Accessory buildings and structures refer to Section 153.117.D](#)

Charlevoix Planning Commission

New Business

Title: Special Meeting Proposal

Date: September 12, 2022

Presented By: Jennifer Neal, Community Planner

Background:

The Commission is asked to consider holding a Special Meeting with members of the Downtown Development Authority, Historic District Commission, and other stakeholders as appropriate. The meeting will likely be held in October with Downtown building height as the main topic of discussion. The City Manager asks the Commission to also consider downtown signage and sidewalk usage as potential topics for the meeting.

Recommendation:

Item for discussion only.

Attachments:

None

Charlevoix Planning Commission

New Business

Title: Housing Yes! Discussion

Date: September 12, 2022

Presented By: Jennifer Neal, Community Planner

Background:

Members of the Planning Commission would like to provide an update about the local community group known as Housing Yes!

Recommendation:

Item for discussion only.

Attachments:

1. Missing-Middle-program-plan
2. Tax Incentive for Affordable Housing



Missing Middle Housing Program

Introduction

The Missing Middle Housing Program is a housing production program that is designed to address the general lack of attainable housing and housing challenges underscored by the COVID-19 pandemic by increasing the supply of housing stock to support the growth and economic mobility of employees by providing cost defrayment to developers investing in, constructing, or substantially rehabbing properties targeted to household incomes between 185% and 300% of the Federal Poverty Guidelines (FPG). Detail about these income ranges is included in the fourth attachment highlighted below. The Missing Middle Housing Program is funded by State appropriated American Rescue Plan (ARP) Funds from the U.S. Department of the Treasury. \$50 million of ARP funding has been dedicated to the Missing Middle Housing Program.

The following information is organized into four sections:

1. The first attachment is a non-binding Introduction that gives a general narrative overview of the program
2. The second attachment is a Summary Term Sheet that organizes the key program highlights into an easy-to-read format for quick reference
3. The third attachment is the actual Missing Middle Housing Plan which is the official governing document of the Missing Middle Housing Program. In the event of any discrepancies between the Introduction, Summary Term Sheet, or the Missing Middle Housing Plan, the Missing Middle Housing Plan will be the governing document
4. The fourth attachment is additional maps and tables to assist applicants with applying the program requirements to their specific Missing Middle development

The Michigan State Housing Development Authority (MSHDA) will hold two funding rounds for the allocation of Missing Middle funding. Missing Middle Funding will be awarded with the primary goals of allowing developments to be processed as they are ready to move forward and also to ensure an equitable geographic distribution of resources. The first funding round will be awarded on a first-come-first-served basis. The second funding round will also be first-come-first-served, but will likely have some additional considerations that applicants will need to adhere to in order to ensure that all program requirements and targets are met in seeking to achieve an equitable geographical distribution of the resource throughout the state.

Eligible applicants for Missing Middle Funding are required to be tax-exempt 501(c)(3) non-profit organizations. However, ownership structures involving non-profit and for-profit entities will be allowable subject to meeting the legislative requirements and intent of the Missing Middle housing program.

Eligible developments must comply with the following:

1. New construction, adaptive re-use, or substantial rehabilitation (or combination thereof). Substantial rehabilitation is defined as rehabilitation of a housing unit that becomes an energy efficient housing unit and that requires financial investment of at least \$25,000.
2. Rental housing or for-sale housing (or combination thereof)
3. Multifamily attached, detached homes, or townhomes

Missing Middle funding awards to projects will be made in the form of subordinate grant funding at 0% interest.

All Missing Middle housing units must be occupied by households with incomes that are between 185% and 300% of the Federal Poverty Guidelines (FPG). Additionally, the rents charged or the sale price of units (as applicable) must be considered attainable for a Missing Middle household. MSHDA will publish program income/rent limits on its website to assist applicants with meeting these requirements.

Applicants must commit to maintaining affordability of the Missing Middle housing units in accordance with Missing Middle Housing Program requirements for a period of no less than 10 years following the disbursement of funding.

Funding will be targeted to the various Prosperity Regions in order to ensure appropriate geographical distribution throughout the state. Additionally, at least 30% of the total funding must be allocated to rural areas throughout the state.

Missing Middle Housing Program - Summary Term Sheet - DRAFT

Program Overview	The Missing Middle Housing Program is a housing production program that is designed to address the general lack of attainable housing and housing challenges underscored by the COVID-19 pandemic by increasing the supply of housing stock to support the growth and economic mobility of employees by providing cost defrayment to developers investing in, constructing, or substantially rehabbing properties targeted to household incomes between 185% and 300% of Federal Poverty Guidelines (FPG). Detail about these income ranges is included in the fourth attachment highlighted below. The Missing Middle Housing Program is funded by State appropriated American Rescue Plan (ARP) Funding from the U.S. Department of the Treasury. \$50 million of ARP funding has been dedicated to the Missing Middle Housing Program.																											
Program Goal	To provide gap funding to eligible non-profit 501(c)(3) organizations to assist with funding the construction costs of rental and for-sale housing targeted to eligible Missing Middle households.																											
Size of Program	\$50,000,000 has been allocated to the Missing Middle Housing program.																											
Funding Round Timing	Funding Round	Round Opening Date	Round Closing Date	Total Funding Available																								
	Round 1	Monday, September 19, 2022	Friday, December 30, 2022	\$ 15,000,000																								
	Round 2	Est. January 2023 - April 2023	Monday, September 30, 2024	\$ 33,000,000																								
City/Village/Township Limit	The maximum funding to any single City, Village, or Township is limited to 15% of the total awards made under the Missing Middle Housing Program. This is a legislative requirement that cannot be waived or exceeded.																											
Prosperity Region Targets	<table><tr><th>Prosperity Region</th><th>Funding Amount</th></tr><tr><td>Region 1</td><td>\$ 1,400,000</td></tr><tr><td>Region 2</td><td>\$ 1,050,000</td></tr><tr><td>Region 3</td><td>\$ 1,050,000</td></tr><tr><td>Region 4</td><td>\$ 5,600,000</td></tr><tr><td>Region 5</td><td>\$ 2,100,000</td></tr><tr><td>Region 6</td><td>\$ 3,500,000</td></tr><tr><td>Region 7</td><td>\$ 1,750,000</td></tr><tr><td>Region 8</td><td>\$ 2,800,000</td></tr><tr><td>Region 9</td><td>\$ 3,150,000</td></tr><tr><td>Region 10</td><td>\$ 12,600,000</td></tr><tr><td>Remaining Balance</td><td>\$ 13,000,000</td></tr></table>				Prosperity Region	Funding Amount	Region 1	\$ 1,400,000	Region 2	\$ 1,050,000	Region 3	\$ 1,050,000	Region 4	\$ 5,600,000	Region 5	\$ 2,100,000	Region 6	\$ 3,500,000	Region 7	\$ 1,750,000	Region 8	\$ 2,800,000	Region 9	\$ 3,150,000	Region 10	\$ 12,600,000	Remaining Balance	\$ 13,000,000
Prosperity Region	Funding Amount																											
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Remaining Balance	\$ 13,000,000																											
Rural Community Target	At least 30% of the total funding available must be allocated to projects in rural communities. For these purposes, rural community is any geography designated by the United States Department of Agriculture – Rural Development as rural for purposes of its single-family housing guaranteed loan program.																											
Small Project Target	At least 10% of the total funding available must be allocated to projects that are composed of less than 12 total units.																											
Eligible Developments	Eligible developments must comply with the following: 1. New construction, adaptive re-use, or substantial rehabilitation (or combination thereof). Substantial rehabilitation is defined as rehabilitation of a housing unit that becomes an energy efficient housing unit and that requires financial investment of at least \$25,000. 2. Rental housing or for-sale housing (or combination thereof) 3. Multifamily attached, detached homes, or townhomes																											
Funding Type	Missing Middle funding awards to projects will be made in the form of subordinate grant funding at 0% interest.																											
Grant Term	The Missing Middle Housing Grant will have a 10-year compliance period. The amount of potential recapture in event of noncompliance will be reduced by 1/10th per year over the period of 10 years. After a period of 10 years of demonstrated compliance with program requirements, the grant will be fully forgiven.																											
Maximum Grant Award	The maximum grant amount to any one project may not exceed \$5 million																											

Developer Limit	The maximum Missing Middle funding awards to any one developer (including related party entities) will be limited to \$7,500,000. This limit is to achieve equity within the program among eligible development companies. Should MSHDA determine that this limit is an impediment to achieving geographic distribution of the resources, it reserves the right to waive this limit by posting notice on the MSHDA website. If a developer partners with another developer on a project, the amount of Missing Middle funding that will count towards the developer's cap will be pro-rated based on the percentage of ownership that the developer has in the project.
Per-Unit Grant Limits	Eligible Costs BASE GRANT AMOUNT: The Base Grant Amount to any one project may not exceed \$5 million and will be further subject to the following limits: • Single-Family Detached Home, Townhome, or Condominium: ○ Up to 2 bedrooms: \$40,000/unit ○ 3 or more bedrooms: \$50,000/unit • Multifamily Attached Home, Townhome, or Condominium: ○ Up to 1 bedroom: \$35,000/unit ○ 2 or more bedrooms: \$40,000/unit INCREASES TO THE BASE GRANT AMOUNT: In addition, the following increases, which are cumulative, will be allowed: • In a county where the countywide area median income is lower than statewide median income: ○ Additional \$10,000/unit will be applied to the Base Grant Amount if the project is serving households from 185% to 225% • In a county where the countywide area median income is 80% or less of the statewide median income: ○ An additional 25% increase will be applied to the Base Grant Amount • \$10,000/unit increase to the Base Grant Amount for an energy efficient housing unit, defined as having a HERS rating of 60 or below or an energy star rating of 75 and above The Base Grant Amount is limited to the actual labor and material cost of the construction or rehabilitation. MSHDA reserves the right to update these figures as necessary to account for annual economic inflation. In doing so, MSHDA will post annual updates to these figures on its website.
Targeted Population of Households	Missing Middle housing units must be occupied by households with incomes that are between 185% and 300% of Federal Poverty Guidelines (FPG) at the time of initial occupancy. If a tenant vacates the unit and a new tenant moves in, the new tenant must demonstrate that their income meets program guidelines (between 185% of FPG and 300% FPG) prior to occupying the unit. Additionally, the rents charged on an annual basis or the sale price of units must be considered attainable for a Missing Middle household. MSHDA will publish program income/rent limits on its website to assist applicants with meeting these requirements.
Eligible Applicants	Applicants for Missing Middle Housing funding are statutorily required to meet the following requirements: 1. Must be a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986, 26 USC 501, authorized to do business in Michigan. 2. Pass a criminal and civil background check of key employees 3. Must not be under debarment with the U.S. Government 4. Must have a mission and business model that is consistent with the intent of the program 5. Must have a record of completing multiple projects similar to the proposed project. 6. Must have the ability to implement rent restrictions and purchaser restrictions for the term of the project agreement. 7. Must pass a financial capacity and creditworthiness test in accordance with MSHDA requirements.

Local Support	Projects must demonstrate local support. This may be shown as any one of combination of the following: 1. Financial contributions of at least \$5,000 2. Tax Abatement 3. Tax Increment Financing 4. Land Transfer from the local government for a sales price of not more than \$1,000 per unit 5. Letter of support or Resolution from the local unit of government detailing how the project contributes to addressing the housing needs in the community.
Low-Income Housing Tax Credit Financing	Projects that are intending to utilize Missing Middle funding must agree that it is not utilizing and will not utilize Low-Income Housing Tax Credit (LIHTC) funding as part of the financing of the development.
Project Compliance	For a period of 10 years following disbursement of funds to the developer, each Missing Middle housing unit, identified in the grant agreement and other applicable program documentation, will be required to demonstrate compliance with program requirements at initial occupancy of the unit or when a unit is vacated and a new household moves in. This will include demonstrating that the Missing Middle units are occupied by households that meet income requirements (185% of FPG to 300% of FPG) of the Missing Middle housing program at initial occupancy; that the rents being charged on an annual basis or the sale price of the unit is considered attainable to a Missing Middle household. MSHDA will publish additional clarifying information on this topic as well as program income/rent limits on its website to assist applicants with meeting these requirements.
Project Timeline	<u>Pre-Closing Deadlines:</u> • Projects that are approved and awarded a Missing Middle Housing grant will be required to close on project financing and begin construction within six (6) months of receiving the Missing Middle Housing grant approval letter. This deadline will be extended on a case-by-case basis in MSHDA's sole discretion. This requirement is intended to ensure that applications are ready to proceed when submitting an application for Missing Middle funding and to ensure that the Missing Middle funding is awarded to developments that will utilize it in a timely fashion to ensure that the State of Michigan meets the federal State and Local Fiscal Recovery Funding (SLFRF) deadlines related to obligations and expenditures. <u>Post-Closing Deadlines:</u> Projects with 1 to 4 units: • Must secure a Certificate of Occupancy within 24 months from execution of the Missing Middle grant agreement. Projects with 5 or more units: • Must secure a Certificate of Occupancy within 36 months from execution of the Missing Middle grant agreement. Extensions of these deadlines may be granted at the sole discretion of MSHDA. In the event that an extension of a deadline is granted, a fee equal to 1% of the Missing Middle funding amount may be charged. Projects will be required to submit quarterly progress reports in order to track the quarterly progress of developments and ensure that projects are proceeding on schedule.
Funding Disbursement	Missing Middle housing funding will be disbursed to projects on a reimbursement basis upon the demonstration that the project has completed construction and has received a Certificate of Occupancy as detailed in the Post Closing Deadlines below. This will require projects to develop a strategy to financially bridge the Missing Middle housing grant funding during the construction period of the project with the understanding that the Missing Middle funding will not be disbursed to the project until a Certificate of Occupancy is received.



MISSING MIDDLE HOUSING PLAN

The Missing Middle Housing Program is a housing production program that is designed to address the general lack of attainable housing and housing challenges underscored by the COVID-19 pandemic by increasing the supply of housing stock to support the growth and economic mobility of employees by providing cost defrayment to developers investing in, constructing, or substantially rehabbing properties targeted to household incomes between 185% and 300% of the Federal Poverty Guidelines (FPG). The Missing Middle Housing Program is funded by State appropriated American Rescue Plan (ARP) Funds from the U.S. Department of the Treasury. \$50 million of ARP funding has been dedicated to the Missing Middle Housing Program.

LIMITS AND TARGETS

GEOGRAPHIC LIMITS:

CITY/VILLAGE/TOWNSHIP: The maximum funding to support projects located in any single City, Village, or Township is limited to 15% of the total awards made under the Missing Middle Housing Program. This is a legislative requirement that cannot be waived or exceeded.

DEVELOPER LIMIT: The maximum Missing Middle funding awards to any one developer (including related party entities) will be limited to \$7,500,000. This limit is to achieve equity within the program among eligible development companies. Should MSHDA determine that this limit is an impediment to achieving geographic distribution of the resources, it reserves the right to waive this limit by posting notice on the MSHDA website. If a developer partners with another developer on a project, the amount of Missing Middle funding that will count towards the developer's cap will be pro-rated based on the percentage of ownership that the developer has in the project.

GEOGRAPHIC TARGETS:

Please note, if a project counts towards more than one of the Project or Geographic Targets below it may be counted towards and used in the achievement of each of those multiple targets.

PROSPERITY REGIONS: Each geographic prosperity region throughout the state will receive a minimum amount of funding as highlighted in the chart below. As eligible developments are submitted in these various geographic regions, they will be counted towards meeting the geographic target for that region. Please note that these are minimums per region in order to ensure geographic distribution of resources and 4% of the total has been removed from the calculation to account for program administrative expenses.

Prosperity Region	Funding Amount
Region 1	\$ 1,400,000
Region 2	\$ 1,050,000
Region 3	\$ 1,050,000
Region 4	\$ 5,600,000
Region 5	\$ 2,100,000
Region 6	\$ 3,500,000
Region 7	\$ 1,750,000
Region 8	\$ 2,800,000
Region 9	\$ 3,150,000
Region 10	\$ 12,600,000
Remaining Balance	\$ 13,000,000

RURAL COMMUNITIES: At least 30% of the total funding available must be allocated to projects in rural communities. For these purposes, a rural community is any geography designated by the United States Department of Agriculture – Rural Development as rural for purposes of its single family-housing guaranteed loan program. [USDA - RD Eligibility](#)

PROJECT TARGETS:

SMALL PROJECTS: At least 10% of the total funding available must be allocated to projects that are composed of less than 12 total units. A larger project cannot be split into multiple smaller projects in order to fulfill this target.

FUNDING AVAILABILITY

The Michigan State Housing Development Authority (MSHDA) will hold funding rounds for the allocation of Missing Middle funding. Missing Middle Funding will be awarded with the two primary goals of allowing developments to be processed as they are ready to move forward and also to ensure an equitable geographic distribution of resources. Funding round due dates will be established as outlined below.

FUNDING ROUNDS:

The Funding Round due dates are listed below:

Funding Round	Round Opening Date	Round Closing Date	Total Funding Available
Round 1	Monday, September 19, 2022	Friday, December 30, 2022	\$ 15,000,000
Round 2	Est. January 2023 - April 2023	Monday, September 30, 2024	\$ 33,000,000

September 19, 2022 Funding Round:

The September 19, 2022 funding round will operate on a first-come-first-served rolling basis and applications will be reviewed and considered in the order that they are received. All applications that are received by MSHDA prior to 4:00pm on the same day will be considered “received” at the same time. Applications received on the same day before 4:00pm will be ranked according to the amount of Missing Middle Funding per Missing Middle unit that is being requested and those applications requesting the least amount of Missing Middle Funding per Missing Middle unit will be reviewed first before those applications requesting more Missing Middle Funding. Applications submitted to MSHDA prior to the funding round due date will be considered as submitted on the Funding Round due date. Applications will continue to be accepted for processing on a rolling basis until the earlier of December 30,

2022 or until the funding available in the funding round is exhausted. Any funding that is still available from Round 1 will automatically be rolled into and included in the January-April 2023 funding round.

As applications for funding are received, MSHDA staff will maintain a public list on its website showing at a minimum the project name, location, developer name, funding requested/awarded, and Prosperity Region. This list will be maintained so that future applicants may know important data regarding how much funding is still available and which of the limits or targets described above have been met:

Prior to the estimated January-March Funding Round, MSHDA will determine:

1. Whether at least 30% of the total funding has been allocated in Rural Communities
2. Whether at least 10% of the total funding has been allocated to Small Projects of 12 total units or less
3. Whether the minimum targets have been met for each Prosperity Region

If less than the required amount has been allocated to any of those targeted areas, then a portion of the total funding available in the estimated January-April 2023 funding round equal to the amount needed to meet the targets (as determined by MSHDA) will be separated out and reserved for projects that qualify for the targets.

Estimated January - April 2023 Funding Round:

To the extent necessary, funding will be held back and reserved in an amount necessary to ensure that the Project and Geographic Targets will be met, as described above. The reserved funding will be available on a first-come-first-served basis within the applicable Project and Geographic Targets. Any remaining funding will be available to all other projects regardless of location on a first-come-first-served basis (subject to the City/Village/Township limit described above). By December 1, 2023, if any amounts of funding that were originally reserved for a particular Prosperity Region or Small Projects is still uncommitted, those funds will become available to any eligible development regardless of location or size in order to ensure that the funding does not remain unutilized.

Subject to the requirements noted above, the January-April 2023 funding round will operate on a first-come-first-served rolling basis and applications will be reviewed and considered in the order that they are received. All applications that are received by MSHDA prior to 4:00pm on the same day will be considered “received” at the same time. Applications received on the same day before 4:00pm will be ranked according to the amount of Missing Middle Funding per Missing Middle unit that is being requested and those applications requesting the least amount of Missing Middle Funding per Missing Middle unit will be reviewed first before those applications requesting more Missing Middle Funding which were received on the same day. Applications submitted prior to the funding round due date will be considered as submitted on the funding round due date. Applications will continue to be accepted for processing on a rolling basis until the funding available in the funding round is exhausted.

GENERAL ELIGIBILITY & FUNDING CONSIDERATIONS

The following requirements will need to be met as part of MSHDA’s review of Missing Middle Funding applications.

Eligible Developments

Eligible developments must comply with the following:

1. New construction, adaptive re-use, or substantial rehabilitation (or combination thereof). Substantial rehabilitation is defined as rehabilitation of a housing unit that becomes an energy efficient housing unit and that requires financial investment of at least \$25,000.
2. Rental housing or for-sale housing (or combination thereof)
3. Multifamily attached, detached homes, or townhomes

Eligible Costs

BASE GRANT AMOUNT:

The Base Grant Amount to any one project may not exceed \$5 million and will be further subject to the following limits:

- Single-Family Detached Home, Townhome, or Condominium:
 - Up to 2 bedrooms: \$40,000/unit
 - 3 or more bedrooms: \$50,000/unit
- Multifamily Attached Home, Townhome, or Condominium:
 - Up to 1 bedroom: \$35,000/unit
 - 2 or more bedrooms: \$40,000/unit

INCREASES TO THE BASE GRANT AMOUNT:

In addition, the following increases, which are cumulative, will be allowed:

- In a county where the countywide area median income is lower than statewide median income:
 - Additional \$10,000/unit will be applied to the Base Grant Amount if the project is serving households from 185% to 225%
- In a county where the countywide area median income is 80% or less of the statewide median income:
 - An additional 25% increase will be applied to the Base Grant Amount
- \$10,000/unit increase to the Base Grant Amount for an energy efficient housing unit, defined as having a HERS rating of 60 or below or an energy star rating of 75 and above

The Base Grant Amount is limited to the actual labor and material cost of the construction or rehabilitation.

MSHDA reserves the right to update these figures as necessary to account for annual economic inflation. In doing so, MSHDA will post annual updates to these figures on its website.

Form of Assistance

Missing Middle funding awards to projects will be made in the form of subordinate grant funding at 0% interest.

Grant Term

The Missing Middle Housing Grant will have a 10-year compliance period. The amount of potential recapture in the event of noncompliance will be reduced by 1/10th per year over the period of 10 years. After a period of 10 years of demonstrated compliance with program requirements, the grant will be fully forgiven.

Income Targeting

Missing Middle housing units must be occupied by households with incomes that are between 185% and 300% of the Federal Poverty Guidelines (FPG) at the time of initial occupancy. If a tenant vacates the unit and new tenant moves in, the new tenant must demonstrate that their income meets program guidelines (between 185% of FPG and 300% of FPG) prior to occupying the unit. Additionally, the rents charged on an annual basis or the sale price of units must be considered attainable for a Missing Middle household. MSHDA will publish program income/rent limits on its website to assist applicants with meeting these requirements. Additionally, income certification and compliance requirements will be published on MSHDA's website under a separate policy bulletin.

Missing Middle Housing Units

The amount of Missing Middle funding that a project qualifies for will be based on the number of Missing Middle housing units that a project commits to developing. There is not a minimum number of Missing Middle units that will be required in a project.

Affordability Period

Applicants must commit to restricting the Missing Middle housing units in accordance with Missing Middle Housing Program requirements for a period of no less than ten years following the disbursement of funding. The amount of potential recapture in the event of noncompliance will be reduced by 1/10th per year over the period of 10 years. After a period of 10 years of demonstrated compliance with program requirements, the grant will be fully forgiven.

Construction Standards

At MSHDA's discretion, projects must demonstrate appropriate construction quality and design based on the location that the project will be located. MSHDA is still determining the applicability of labor standards such as Davis Bacon. More guidance will be forthcoming on this topic.

Low-Income Housing Tax Credit (LIHTC) Financing

Projects that are intending to utilize Missing Middle funding must agree that it is not utilizing and will not utilize LIHTC funding as part of the financing of the development.

Local Support

Projects must demonstrate local support. This may be shown as any one or combination of the following:

1. Financial contributions of at least \$5,000
2. Tax Abatement
3. Tax Increment Financing

4. Land Transfer from the local government for a sales price of not more than \$1,000 per unit
5. Letter of support or Resolution from the local unit of government detailing how the project contributes to addressing the housing needs in the community.

Funding Disbursement

Missing Middle housing funding will be disbursed to projects on a reimbursement basis upon the demonstration that a project has completed construction and has received a Certificate of Occupancy as detailed in the Post Closing Deadlines below. This will require projects to develop a strategy to financially bridge the Missing Middle housing grant funding during the construction period of the project with the understanding that the Missing Middle funding will not be disbursed to the project until a Certificate of Occupancy is received.

ELIGIBLE RECIPIENTS

Applicants for Missing Middle Housing funding are statutorily required to meet the following requirements:

1. Must be a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986, 26 USC 501, authorized to do business in Michigan.
2. Pass a criminal and civil background check of key employees
3. Must not be under debarment with the U.S. Government
4. Must have a mission and business model that is consistent with the intent of the program
5. Must have a record of completing multiple projects similar to the proposed project. MSHDA is developing further guidance on this topic that will be detailed in a separate policy bulletin.
6. Must have the ability to implement rent restrictions and purchaser restrictions for the term of the project agreement.
7. Must pass a financial capacity and creditworthiness test in accordance with MSHDA requirements.

REVIEW CRITERIA

The following items must be submitted for MSHDA staff review as part of the Missing Middle Funding application:

Applicants for Missing Middle Funding will be required to complete the Missing Middle Funding Due Diligence Exhibit Checklist. This checklist will detail the items that must be submitted as part of the Missing Middle Funding application. The checklist will include some or all of the following depending on the type of project being proposed:

1. Executive Summary - A narrative description of the project which includes the type of project; type of financing; tenants served; bedroom mix; local, federal or state subsidies; contact information, including email addresses, for all members of the development team; and other relevant information. (For rehabilitation projects, include a listing of the planned scope of work and proposed improvements).
2. Site Information – Proposal address and preliminary site plan.
3. Development Team Information

4. Missing Middle Funding Pro-Forma
5. Market Study
6. Environmental Study
7. Land Control, such as an Option to Purchase
8. Scope of Work
9. Architectural Plans
10. Trade Payment Breakdown detailing the projected construction costs
11. Zoning documentation
12. Site Utility Availability
13. Operating Budget documents
14. Confirmation of additional financing
15. Property Tax Documentation
16. Equal Employment Opportunity (EEO) Plan
17. Affirmative Fair Housing Marketing Plan (AFHMP)
18. Ownership Entity Formation documents
19. Site Plan Approval documentation
20. Non-Profit documentation
21. Tenant Relocation documentation (if applicable)
22. Community engagement efforts
23. American Rescue Plan (ARP) reporting documentation
24. Missing Middle Program Application

All of the exhibits must be submitted and determined substantially complete in order to retain a development's placement in the priority list for project review. Should MSHDA staff determine that the application is deemed substantially incomplete, the applicant will be notified that the application will not be further processed or added to the processing pipeline until it is complete. Once an application is deemed substantially complete, MSHDA staff will begin processing the application and may ask clarifying questions and accept additional information in order to verify or substantiate aspects of the project that are not apparent based on the review of the application documents submitted.

PROJECT TIMELINE

The following deadlines will need to be met for projects that are awarded Missing Middle funding:

Pre-Closing Deadlines:

- Projects that are approved and awarded a Missing Middle Housing grant will be required to close on project financing and begin construction within six (6) months of receiving the Missing Middle Housing grant approval letter. This deadline will be extended on a case-by-case basis in MSHDA's sole discretion. This requirement is intended to ensure that applications are ready to proceed when submitting an application for Missing Middle funding and to ensure that the Missing Middle funding is awarded to developments that will utilize it in a timely fashion to ensure that the State of Michigan meets the federal State and Local Fiscal Recovery Funding (SLFRF) deadlines related to obligations and expenditures.

Post-Closing Deadlines:

Projects with 1 to 4 units:

- Must secure a Certificate of Occupancy within 24 months from execution of the Missing Middle grant agreement.

Projects with 5 or more units:

- Must secure a Certificate of Occupancy within 36 months from execution of the Missing Middle grant agreement.

Extensions of these deadlines may be granted at the sole discretion of MSHDA. In the event that an extension of a deadline is granted, a fee equal to 1% of the Missing Middle funding amount may be charged.

Projects will be required to submit quarterly progress reports in order to track the quarterly progress of developments and ensure that projects are proceeding on schedule.

PROGRAM COMPLIANCE

For a period of ten years following disbursement of funds to the developer, each Missing Middle housing unit, as identified in the grant agreement and other applicable program documentation, will be required to demonstrate compliance with program requirements at initial occupancy of the unit or when a unit is vacated and a new household moves in. This will include demonstrating that the Missing Middle units are occupied by households that meet the income requirements (185% of FPG to 300% of FPG) of the Missing Middle housing program at initial occupancy and that the rents being charged on an annual basis or the sale price of the unit is considered attainable to a Missing Middle household. MSHDA will publish additional clarifying information on this topic as well as program income/rent limits on its website to assist applicants with meeting these requirements.

PROJECT REPORTING

At the time when the Certificate of Occupancy is secured, projects will be required to report the following items to MSHDA staff:

1. Total number of units developed within project
2. Number of units qualifying for the grant
3. Total square footage of project
4. Total project costs. More guidance will be forthcoming regarding how projects will be required to verify the total project costs, such as with a third-party CPA Cost Certification.
5. Total project costs not covered under the grant

MSHDA may choose to collect information related to Diversity, Equity, and Inclusion in order to inform potential future changes to the program.

Additionally, projects will be required to report the following on an annual basis:

For-Sale Units:

- The price of each unit that is sold during the reporting year as well as tenant income verifications as may be required in order to comply with ARP guidelines

- Other documentation as required by MSHDA in order to determine compliance with Missing Middle program requirements as will be detailed in further guidance.

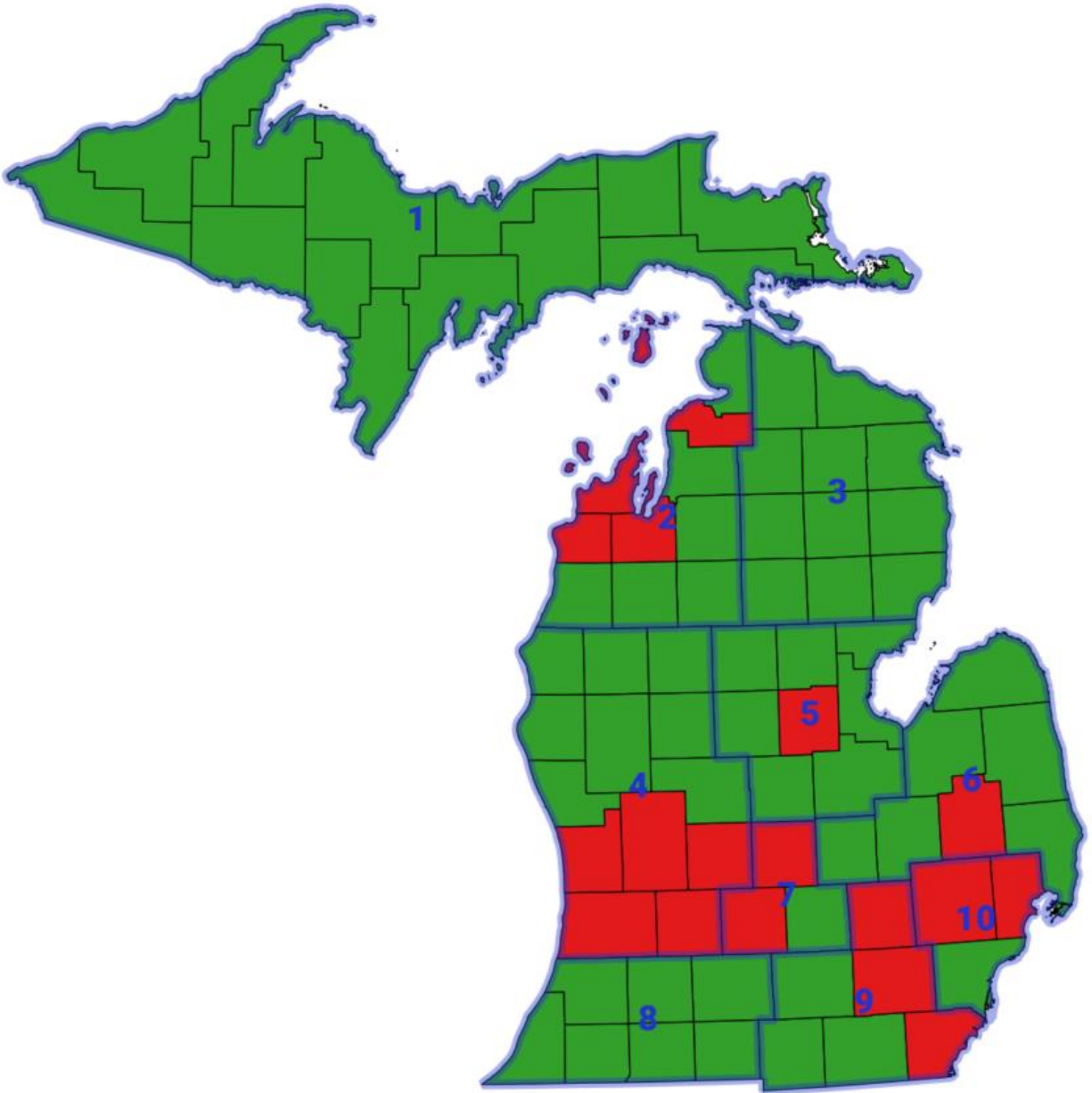
Rental Units:

- A statement of the rental rate of each housing unit for rent within the project during the reporting year
- A statement of the income stated on the tenant applications for the project during the reporting year
- A statement of the occupancy rate of the project during the reporting year
- Other documentation as required by MSHDA in order to determine compliance with Missing Middle program requirements

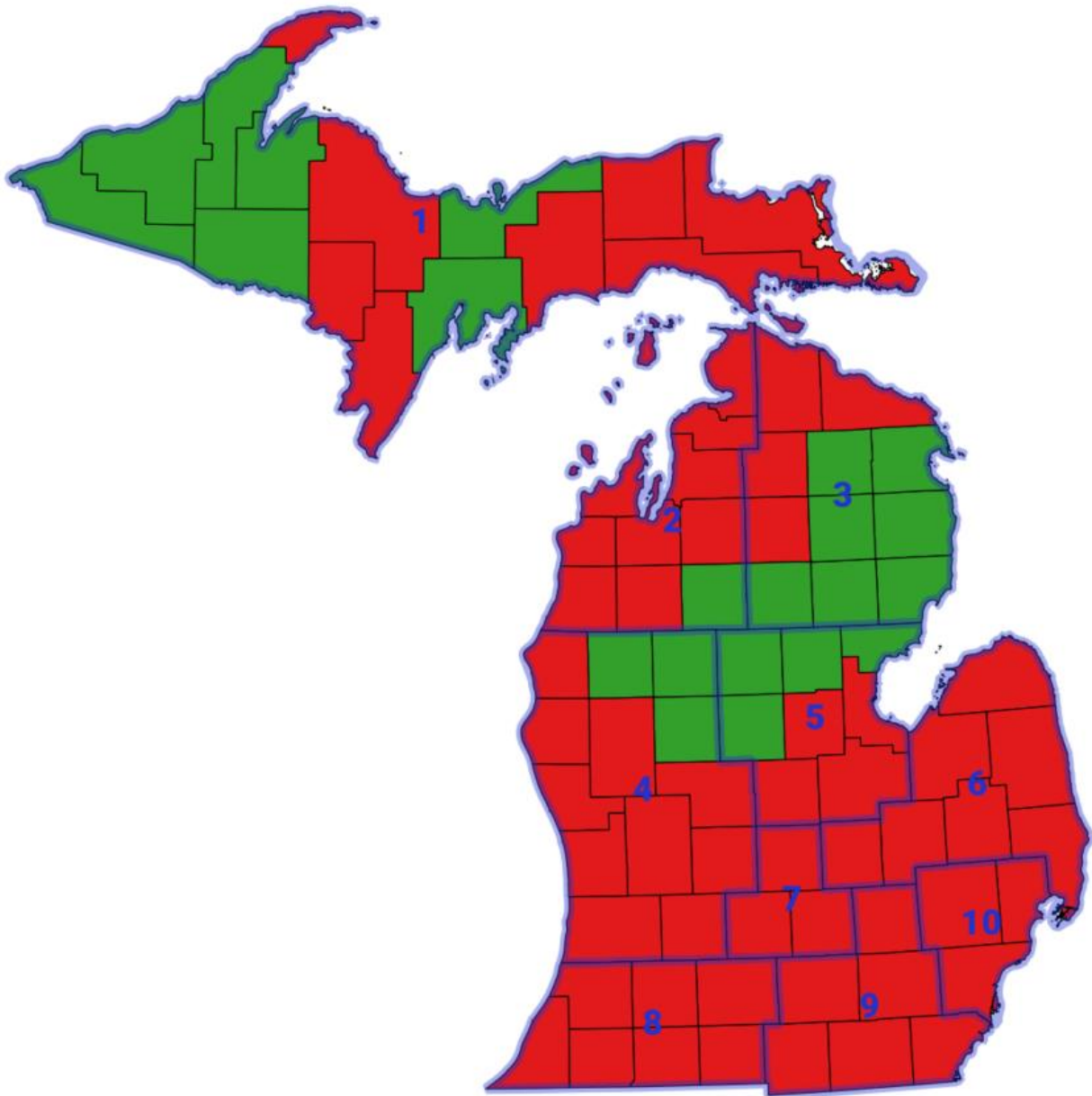
ADDITIONAL MAPS AND TABLES:

DRAFT

Counties where the Countywide Area Median Income is lower than the Statewide Median Income are shaded in **GREEN**:



Counties where the Countywide Area Median Income is 80% or less of the Statewide Median Income are shaded in **GREEN**:



Federal Poverty Guidelines (2022)			
Household Size	Base	185%	300%
Individual	\$ 13,590	\$ 25,142	\$ 40,770
Family of 2	\$ 18,310	\$ 33,874	\$ 54,930
Family of 3	\$ 23,030	\$ 42,606	\$ 69,090
Family of 4	\$ 27,750	\$ 51,338	\$ 83,250
Family of 5	\$ 32,470	\$ 60,070	\$ 97,410
Family of 6	\$ 37,190	\$ 68,802	\$ 111,570
Family of 7	\$ 41,910	\$ 77,534	\$ 125,730
Family of 8	\$ 46,630	\$ 86,266	\$ 139,890
Family of 9	\$ 51,350	\$ 94,998	\$ 154,050
Family of 10	\$ 56,070	\$ 103,730	\$ 168,210

Missing Middle Gross Rent Limits			
Unit Size	185% FPG	225% FPG	300% FPG
0-Bedroom	\$ 629	\$ 764	\$ 1,019
1 Bedroom	\$ 738	\$ 897	\$ 1,196
2 Bedroom	\$ 1,065	\$ 1,295	\$ 1,727
3 Bedroom	\$ 1,393	\$ 1,694	\$ 2,258
4 Bedroom	\$ 1,720	\$ 2,092	\$ 2,789

Applicants will also be required to account for a Utility Allowance when determining the appropriate net rent that will be eligible to be collected. Utility allowance charts can be found at the following link: [MSHDA Utility Allowances](#)

Missing Middle Sale Prices			
Unit Size	185% FPG	225% FPG	300% FPG
0-Bedroom	\$110,352	\$134,212	\$178,950
1 Bedroom	\$129,516	\$157,519	\$210,026
2 Bedroom	\$187,006	\$227,440	\$303,253
3 Bedroom	\$244,497	\$297,361	\$396,481
4 Bedroom	\$301,987	\$367,282	\$489,709

Please note that Rent and Sale Price Limits will be updated periodically to reflect changes in the Federal Poverty Guidelines and/or economic changes that exist in the state in order to ensure that the limits are reflective of current economic conditions. The public will be notified of these changes through posting a notice on MSHDA's website.

A model for neighborhood renewal

Two lawyers have helped build thousands of affordable houses in 30 cities using an obscure federal tax incentive

By Jim Morrison
August 18, 2022 at 7:00 a.m. EDT

ST. LOUIS — For decades, the Jeff-Vander-Lou neighborhood on the north side, with its boarded-up rowhouses and empty lots, was one of the most distressed areas of this city.

Now the neighborhood — once the only place where Black people could own property in the city — is transforming into a vibrant, working-class community, thanks not to gentrification but to a program that sells homes with mortgages as low as \$550 a month.

More than a decade ago, two St. Louis lawyers created an innovative model using an obscure federal tax credits program to finance for-sale affordable housing. They collaborated with the city's Habitat for Humanity nonprofit to initially build more than 67 houses and over the next decade shepherded \$18.3 million in tax credits investments to build a total of 103 affordable homes across the city.

Building housing that people can afford to buy, instead of rent, is the kind of personal investment that is the first step to turning the corner for a neighborhood, according to housing advocates.

"When Habitat first started building [in the neighborhood], there was for the most part swaths of vacant land," says Kimberly McKinney, chief executive of [Habitat for Humanity St. Louis](#). "There was no community. There were no eyes on the street."

These days, the eyes keep watch on streets with neat two- and three-bedroom homes. Every house has a front porch, encouraging community. Crime is down, way down. Residents, some of whom have been homeless, talk proudly of owning a home for the first time and changing the area. One hosts a regular July Fourth holiday gathering on a vacant lot next to a boarded-up house that in the early years served as a center for the drug trade. Repeated calls for police by residents shut it down. The number of owner-occupied buildings in the area has more than doubled to 26 percent from 12 percent.

The lawyers, Donna and Howard Smith, started the project in St. Louis 14 years ago. Since then, they have through their corporation [SmithNMTC](#) guided nonprofit community development entities nationwide to use nearly \$500 million in [New Markets Tax Credits](#) to build more than 4,200 for-sale affordable homes in [about 30 other cities](#), including Atlanta, Charlotte, Newark, Baltimore, Santa Fe, N.M., Pittsburgh and Memphis.

Research shows that the program has been critical in building wealth. A 2021 study by the [Atlanta Neighborhood Development Partnership](#) (ANDP) found those who had owned their homes for five years gained an average of more than \$135,000 in equity through principal payments, down payment assistance and market appreciation.

In Santa Fe, N.M., Jessica Salazar, a single mother of three, took the required home-buying classes and waited a year for her opportunity to buy a three-bedroom home in El Camino Crossing. She and her family had lived with her parents because she couldn't afford an apartment in the city. After five years in the house, she sold while the market was hot this year, allowing her to pay off the second mortgage and still make a profit. She bought a bigger property on the outskirts of town suitable for her older children.

For her, subsidized affordable housing worked. She became a homeowner. She built wealth and a good credit score with help from the subsidies. And now, she's leveraging that. "It just really set me up for success," she says. "I can't say enough [good] about the program."

Here's how the program works: The New Markets Tax Credits program is designed to attract investors to distressed areas by offering them a [39 percent income-tax break](#) over seven years. The corporations use that investment in several ways to subsidize the cost of housing. Buyers, for instance, may get down-payment assistance or may benefit from a second loan payable when they sell the property. Developers may be paid to reduce the price of a home in amounts ranging from \$30,000 to \$100,000, depending upon the neighborhood.

The Smiths have championed using the \$5 billion-a-year program to build affordable housing, something most community development entities (CDEs) tapping into the credits said could not be done. New Markets Tax Credits are highly regulated, but the Smiths have created plug-and-play templates, models that any nonprofit can use to navigate the tax credits program from application through project completion.

While the Smiths remain frustrated at the slow acceptance of using the credits to fill a small hole in the gaping affordable housing crisis, they say more and more nonprofits are embracing the strategy.

"There's a 30 percentage-point differential between how many Blacks own homes and how many Whites own homes today," Donna Smith says. "We really need to be doing a better job of increasing the opportunity for low-income folks and people of color to own homes."

For years at industry conferences, the Smiths heard lawyers on panels proclaim that the complicated New Markets Tax Credits program could not be used for housing. Each time, they'd raise their hands and respond that they'd helped create \$300 million, then \$400 million, and now nearly \$500 million in affordable for-sale housing in distressed areas.

"They'd just look at you like 'I wish you weren't here,'" says Donna Smith. Funding affordable housing has been a long-standing example highlighted on the program's [Treasury Department website](#). But the Smiths say the Community Development Financial Institutions Fund (CDFI) does not actively promote it. Part of the problem is that CDEs compete for tax credit allocations annually and are scored on their track record. They didn't want to try something new such as for-sale affordable housing.

A spokesman for the CDFI declined to comment about the use of tax credits for affordable housing.

In Atlanta, ANDP used \$20 million in tax credits to purchase and renovate 133 homes scattered throughout the [city's south metro region](#) where half the population earned less than \$35,000 and homeownership had dipped to under 40 percent. In Santa Fe, N.M., where housing prices have soared, the Smiths' tax credits model helped transform a blighted former mobile home park site into El Camino Crossing, a project with 40 affordable houses and 13 condominiums. In Pittsburgh, the mayor in 2020 hailed it as a new model after the [city's Urban Redevelopment Authority](#) built 26 homes, 18 of them sold to families with incomes below 80 percent of the area's median income.

"For-sale housing is a relatively new and growing part of the New Markets program," says Brett Theodos, a senior fellow and director of the Community Economic Development Hub at the [Urban Institute](#) who has studied New Markets credits for more than a decade. "I think it's a really intriguing and innovative contribution. There are surprisingly few federal subsidies for owner-occupied affordable housing in this country. And this is one small way to make good on that need."

It's one small way because affordable housing created through the program so far is an eyedropper contribution to a sea of need. The [National Low Income Housing Coalition](#) estimates that [6.8 million more rental units](#) are needed for low-income families. A 2021 analysis by the [Urban Institute](#) and [Moody's Analytics](#) reported that there is less housing for rent and for sale than at any time in 30 years with the annual supply of new housing 100,000 units below the new demand.

"The lion's share of the undersupply is concentrated in the lower end of the market," the report added, resulting in dramatically rising prices in that segment of the market. "The rise in house prices is putting the economic opportunity of homeownership out of reach for more and more families, particularly those of color. Today the homeownership rate for Hispanics is 48 percent and for Blacks it is 42 percent, a level not seen in decades," the report added. By comparison, White homeownership is at 72 percent.

Mark Zandi, chief economist for Moody's Analytics and a co-author of the report, said the housing shortage continues a downward spiral. It's now about 1.6 million homes below what's needed, according to his calculations. "That's a massive shortfall," he says. "And it's turning out to be a problem that's only intensifying."

He said the tools in place to address the problem are not enough. "We need to think about how to marry different forms of government subsidy with private capital and supercharge the development of more affordable housing," Zandi adds. "This kind of innovation is exactly the thing we need, figuring out ways to take the tools that we have, fashion new tools and build more homes."

The definition of "affordable housing" can vary from place to place. Households that pay more than 30 percent of their gross income for rent or a mortgage are considered "cost burdened" and may have trouble affording needs such as transportation, food and medical care. The New Markets Tax Credits program targets distressed or severely distressed census tracts. The homes offered by the nonprofits that have participated generally are sold to people who earn 80 to 125 percent of the annual median income in the area.

The majority of federal support for affordable housing and infrastructure passes through the [Low-Income Housing Tax Credit](#), which contributed \$10.4 billion in 2021. An analysis by the Smiths concludes that only \$702 million out of \$55.9 billion in credits awarded from 2003 through 2019 went toward housing.

Proponents of for-sale affordable housing point to it as a means to build wealth, particularly for Black families who may have been shut out of the housing market during decades of redlining. [According to an Urban Institute report](#), buying a home is more affordable than renting in two-thirds of American counties.

"This is a direct way of building wealth for families," says William Carson, vice president at U.S. Bancorp Community Development Corp., which has invested in the program. "That is a way of getting people out of intergenerational poverty."

Zandi says the effects of homeownership ripple into the community. "When you own your home, you have skin in the game. You're invested to help your community," he says. "Homeownership is key to not only lifting people out of being lower income, but it's also key to healthy communities in a vibrant, well-functioning economy."

John O'Callaghan, president and chief executive of the ANDP, says the program provides the flexibility to best create affordable for-sale housing. "The great thing about New Markets is it gives us and the CDE the ability to make decisions about how the subsidy is needed in the context of the market you're working in."

The model created by the Smiths means that the Housing Partnership Network, a nonprofit collaborative of more than 100 community and development organizations, can take an allocation of tax credits and spread them among three, four, five or more local partners across the country, cutting legal and administrative costs.

"The way the Smiths have set it up, it's a very streamlined process," says Katie Rodriguez, president of the [Housing Partnership Fund and Housing Partnership Ventures](#), the organization's CDE. "It's significantly less expensive than a one-off market project."

In Santa Fe, N.M., Daniel Slavin, senior director of Homewise, which built the El Camino Crossing project, said a person grossing 80 percent of the annual median income in the area might be able to afford a \$175,000 house. Building that house costs \$250,000. So the buyer will get a mortgage for \$175,000 with a deferred loan for the other \$75,000 to be paid when they sell.

"You're giving people an opportunity they just wouldn't be able to do unless this financial model was available," he adds. "The house is an asset so you can build wealth and financial stability. Rents go up every year, but your mortgage payment stays consistent for 30 years."

In St. Louis, McKinney says the funds are used to buy down the cost of the house by subsidizing construction. "In our market, what it costs to build the house and what our buyers can afford, there's a pretty big gap," she says.

That gap varies from city to city, but it's increasing. The ANDP says since 2010, the average income of a home buyer in Atlanta has been stagnant at about \$40,000 per household while home prices have increased 65 percent to nearly \$190,000. In the neighborhoods where ANDP invested in homes, more than a third of the households earned less than \$25,000 and roughly half earned less than \$35,000 annually.

Many families stay, stabilizing neighborhoods. McKinney says the first home Habitat built in St. Louis is owned by the same family. In the hard-hit Atlanta neighborhoods where ANDP has built or renovated homes, [more than 90 percent of owners remained after five years](#).

O'Callaghan points to Atlanta's Pittsburgh neighborhood, which he calls "foreclosure ground zero in the country" during the Great Recession. New Markets Tax Credits was one of the funding mechanisms used there through two rounds of creating homes. "It was a neighborhood with a great history that had been decimated," he adds. "The neighborhood today has been completely transformed."

The ANDP has created a plan to develop or renovate a total of 2,000 residences by 2025, including 500 single-family houses. "We have been searching for more reliable sources of subsidy that can be scaled," O'Callaghan says. "New Markets has been critical to us raising our scale."

Slavin says bringing homes to El Camino has spurred private investment, including apartments and a couple of restaurants coming to the neighborhood. "What we're trying to create is more of a walkable, multiuse living and business setting," he adds. "It definitely has worked. And it's only going to spark more growth in the surrounding areas."

Pamela Wells, 62, has worked in a Santa Fe, N.M., pottery shop for more than two decades. She purchased her first home in El Camino through the program after living in an efficiency apartment out of the city.

She no longer has to commute. Her one-bedroom home has solar panels, reducing her costs.

"I'm actually paying less on my mortgage than I did renting and in the last couple of years rents have really shot up," she says. "For me, having a mortgage is cheaper than paying rent in Santa Fe, which is kind of crazy."

Charlevoix Planning Commission

Old Business

Title: Downtown Signage Amendment Update

Date: September 12, 2022

Presented By: Janet Koch, Zoning Administrator

Background:

At the August Planning Commission meeting, the Commission requested the draft sign amendment be prepared for public hearing. This item is to update you that the public hearing for the sign amendment will be held at the October meeting.

Recommendation:

Item for discussion only.

Attachments:

None

Charlevoix Planning Commission

Old Business

Title: Master Plan Update

Date: September 12, 2022

Presented By: Jennifer Neal, Community Planner

Background:

The City's Draft Master Plan was released for public comment by the City Council on July 18. The regularly scheduled October Planning Commission will be the end of the 63-day public comment period. The Commission is asked to hold a public hearing at the October meeting to provide opportunity to hear comments on the draft plan in addition to those comments received during the public comment period. The draft plan is available on the City's website at: <https://mi-charlevoix.civicplus.com/423/Master-Plan>

Recommendation:

Item for discussion only

Attachments:

None



To: The City of Charlevoix Planning Commission
From: Janet Koch, Zoning Administrator
Subject: Zoning Administrator's Report for August 2022

Planning Commissioners:

Following is a summary of the Zoning Administrator's activities for the month of August. If you would like to see different and/or additional information in future reports, please let me know and I'll do my absolute best to accommodate.

Permits Issued

Nineteen permits were issued in August, up from the 11 issued in July and one more than was issued in June. Of the 19 permits, one was the Planning Commission's site plan B approval of the Northwest Marine Yacht Club replacement pool/deck in the Marine Commercial zoning district and one was the finalization of the Planning Commission's approval of the Special Use Permit at 401 Antrim. There were 2 fence permits, 3 residential additions, 1 deck replacement, and 3 new single family homes (all 3 are in the Peppervine site condominiums). The remainder were temporary banner permits.

Provided to the Planning Commission

- Prepared a staff report for a level B site plan review at 202 Ferry Avenue.
- Drafted zoning ordinance amendment options re: signage for Bridge Park Drive.

Customer Contacts

86 customer contacts were logged in August.

- Contact method and count: 16 by email, 24 in person, 46 by phone
- Reason for contact: 59 questions were related to zoning, and 22 questions related to short term rentals. There was 1 general planning question logged and 4 code enforcement questions (complaints/queries forwarded to the Code Enforcement Officer are not included in that number).
- Worked with a representative from AT&T regarding zoning requirements for additional rooftop antennas to existing antennas. Per § 153.125 (D)(1)(a), it was determined that the work could be approved by the Zoning Administrator.

For Zoning Board of Appeals meeting of August 17

- Prepared a staff report for application 2022-08 ZBA 218 Belvedere.
- Prepared the meeting agenda packet.

Short Term Rentals (STR)

- At the time of the writing of this report, there are 18 properties on the wait list, 8 of which are owned by property owners with principal residential exemptions in the City of Charlevoix.

Federal Emergency Management Agency (FEMA) Compliance

After numerous attempts to find the appropriate official at EGLE, reached the correct person and obtained approval of proposed ordinance language regarding compliance with recently re-issued flood plain maps. The City Council is scheduled to hold a public hearing on September 19, 2022.