



**Agenda**  
**City of Charlevoix Zoning Board of Appeals Regular Meeting**  
**Wednesday, April 17, 2024 - 6:00 PM**  
**Council Chambers, 210 State Street, Charlevoix, MI**

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- 1. Call to Order**
- 2. Roll Call/Pledge of Allegiance**
- 3. Inquiry Regarding Conflicts of Interest**
- 4. Approval of Agenda**
- 5. Approval of Minutes**
  - A. August 16, 2023
- 6. Election of Officers**
- 7. Old Business**
- 8. New Business**
  - A. Public Hearing for Applicant Price Building and Remodeling for structure at 509 Newman Street
    - i. Staff Presentation
      - Exhibit 1. Variance Application
      - Exhibit 2. Site pictures and map
      - Exhibit 3. Site Plan (proposed)
      - Exhibit 4. Misc documents
    - ii. Applicant presentation (if requested)
    - iii. Call for public comment
    - iv. ZBA determination of findings of fact
    - v. Motion
  - B. Set future meeting dates 2024
- 9. Public Comment**
- 10. Adjourn**

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

# Charlevoix Zoning Board of Appeals

## Approval of Minutes

**Title:** August 16, 2023

**Date:** April 17, 2024

**Presented By:**

**Background:**

**Recommendation:**

Motion to approve the minutes as presented.

**Attachments:**

1. Zoning Board of Appeal Draft Meeting Minutes from 08/16/2023

**City of Charlevoix**  
**Zoning Board of Appeals Regular Meeting Minutes**  
**Wednesday, August 16, 2023 - 6:00 PM**  
Council Chambers, 210 State Street, Charlevoix, MI

**1. Call to Order**

The meeting was called to order at 6:00 p.m. by Chair Hodgson.

**2. Roll Call/Pledge of Allegiance**

Chair: Richard Hodgson

Members Present: Shirley Gibson, Ann Gorney, Tim Kish, Patricia Miller, Dan Reed,  
Alternate Member

Members Absent: None

Staff Present: Jonathan Scheel, Zoning Administrator

**3. Inquiry Regarding Conflicts of Interest**

None.

**4. Approval of Agenda**

Chair Hodgson stated that he would like to add an item to elect officers since this was their first meeting of 2023 and Members concurred to add the item right after approval of the agenda.

Motion by Member Gorney, seconded by Member Miller to approve the agenda as presented.

**Motion passed by unanimous voice vote.**

**A. Election of Officers for 2023**

Chair Hodgson stated he would volunteer again to be Chair and Tim Kish stated that he was fine with serving as Vice Chair.

Motion by Member Gorney, seconded by Member Gibson to nominate Richard Hodgson as Chair and Tim Kish as Vice Chair.

Yeas: Gibson, Gorney, Miller, Reed

Nays: None

Absent: None

Abstain: Hodgson, Kish

**Motion carried.**

**5. Approval of Minutes**

**A. Minutes from June 15, 2022 and August 17, 2022**

Motion by Member Miller, seconded by Member Kish to approve the minutes of June 15, 2022 and August 17, 2022 as presented.

**Motion passed by unanimous voice vote.**

**6. New Business**

**A. Public Hearing for Applicant Jim and Mary Lou Hodge**

- i. Staff Presentation
  - Exhibit 1. Variance Application
  - Exhibit 2. Site pictures and map
  - Exhibit 3. Site Plan (proposed)
  - Exhibit 4. Misc documents
- ii. Applicant presentation (if requested)
- iii. Call for public comment
- iv. ZBA determination of findings of fact
- v. Motion

Staff Presentation:

Zoning Administrator Scheel presented the staff report for Applicant ZBA 23-01 for a variance application to construct an attached garage at 110 W. Upright Avenue. The applicant is requesting two setback variances from the requirements defined in 153.072(b) of the City of Charlevoix Zoning Ordinance; a rear setback variance of 18 feet and an interior side setback variance of 5 feet. Mr. Scheel proceeded to review the specifics of the staff report and findings of fact.

Applicant presentation:

Mr. Hodge stated there is a parking issue there now because there are cars parked in front of the house everyday and he and his wife will have two cars and one could be parked in the garage during the winter. Mr. Hodge stated there was no place to put any of their summer and winter recreational items on the property without a garage. Mr. Hodge stated the garage would improve the property and make it more presentable and attaching it to the house would allow them to access it in the winter.

Member Miller questioned why the garage could not be built on the east side of the home instead of the back of the lot and Mr. Hodge stated that would block access to the back yard.

Member Gibson stated that if the garage was built in the backyard they would not have a backyard, and she questioned what the hardship was of such a huge structure. Mr. Hodge stated that the garage was 600 sq. ft., which is not that large and it gives them a place to park the car in the winter time and a place to put their motorcycles and make them their home.

Member Gorney questioned where he kept the equipment now and Mr. Hodge stated he lives in Florida and he has a 3-year plan to move back to Michigan and the equipment is now stored in Florida.

Member Kish questioned if staff knew the reason for the dramatic difference between a setback for a detached vs. attached structure and Zoning Administrator Scheel stated that provision has been in the Zoning Ordinance for many years and to his knowledge, because of the overall structure it becomes much larger as one unit and the ordinance would permit the structure to be further away from a property line than a smaller accessory structure. Discussion followed regarding placing the garage on the west side of the house vs. the rear of the home.

Mr. Hodge stated that there are several homes and accessory structures near his home that are close to or on the property line.

Zoning Administrator Scheel stated there was a memo he provided that talks about the

variances requested between 2013 and 2023 showing approvals and denials and reasons for the same. Discussion followed regarding a variance request on a non-conforming lot vs. one for a conforming lot.

Call for public comment:

Zoning Administrator Scheel stated that they did have four (4) letters from residents regarding the request which were included in the agenda packet.

ZBA determination of findings of fact:

Member Kish stated they have in the past allowed variances for setbacks for garages to be added to properties. Member Gibson stated the property in question was 10' wider than a normal R-2 piece of property, it's 60' wide. Chair Hodgson stated the parcel is 10' more than the minimum width. Member Gibson questioned if Mr. Hodge could build a garage on this property without a variance. Chair Hodgson stated he could build a smaller detached garage.

Member Gorney questioned if there was a technical difference between a garage and a storage unit and Zoning Administrator Scheel responded that they are called accessory structures (anything that is not a livable space).

Chair Hodgson proceeded to review the Findings of Fact regarding the request for an 18' rear yard variance:

- Extraordinary circumstances - Finding of Denial - The ZBA finds that the extraordinary circumstances standard has not been met as the property is not exceptionally narrow or shallow and that it is similar to most other lots in the neighborhood.

Motion:

Motion by Member Gibson, seconded by Member Kish to deny Applicant ZBA 23-01 requesting an 18' rear yard set back variance based on specific findings of fact that prove the project does not meet the review standards in 153.058 (F)(1) of the Zoning Ordinance.

**Motion passed by roll call vote:**

- **Member Kish - Aye**
- **Member Gibson - Aye**
- **Member Gorney - Aye**
- **Member Miller - Aye**
- **Chair Hodgson - Aye**

Chair Hodgson proceeded to review the Findings of Fact regarding the request for a 5' interior side setback variance:

- Extraordinary circumstances - Findings of Denial - The ZBA finds that the extraordinary circumstances standard has not been met as the property is not exceptionally narrow or shallow and that it is similar to most other lots in the neighborhood.

Motion:

Motion by Member Gibson, seconded by Member Kish to deny Applicant ZBA 23-01 requesting a 5' interior side setback variance based on specific findings of fact that prove the project does not meet the review standards in 153.058 (F)(2A) of the Zoning Ordinance.

**Motion passed by roll call vote:**

- **Member Kish - Aye**
- **Member Gibson - Aye**
- **Member Gorney - Aye**
- **Member Miller - Aye**
- **Chair Hodgson - Aye**

**7. Public Comment**

None.

**8. Adjourn**

Motion by Member Gibson, seconded by Member Gorney to adjourn the meeting at 7:08 p.m.

**Motion passed by unanimous voice vote.**

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Sarah J. Dvoracek/fgm      Clerk

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Richard Hodgson      Chair

# Charlevoix Zoning Board of Appeals

## New Business

**Title:** Public Hearing for Applicant Price Building and Remodeling for structure at 509 Newman Street

**Date:** April 17, 2024

**Presented By:** Jonathan Scheel, Zoning Administrator

### **Background:**

The applicant is requesting an interior side setback variance of 6 feet from the requirements defined in § 153.072(b) of the Zoning Ordinance for an attached garage/ADU addition at 509 Newman Street.

The property is zoned residential R-2. The application proposes the addition of a garage/ADU on the residence's west side. Per § 153.072(b) the interior side setback is 8 feet. The Board of Appeals may approve, approve with reasonable conditions, or deny the application based on specific findings of fact.

### **Recommendation:**

The Board of Appeals may approve, approve with reasonable conditions, or deny the application based on specific findings of fact.

### **Attachments:**

1. 24-01 ZBA notice 2024-4-17
2. zba application 509 newman
3. 24-1 Staff Report 509 Newman St.
4. zba decision and order



March 29, 2024

## **NOTICE OF PUBLIC HEARING**

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

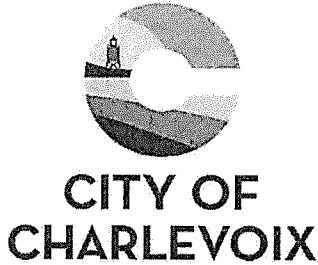
Case Number: 24-01 ZBA  
Parcel #: 052-270-037-00  
Applicant: Price Building and Remodeling  
Property Address: 509 Newman Street  
Property Owner(s): Deborah Morris Edmunds Reversible Trust

The Charlevoix City Zoning Board of Appeals will hold a public hearing on Wednesday, April 17, 2024, at 6 pm in the Charlevoix City Hall Council Chambers to evaluate a variance application for an attached garage/ADU addition at 509 Newman Street. The applicant is requesting an interior side setback variance of 6 feet from the requirements defined in § 153.072(b) of the Zoning Ordinance.

The property is zoned residential R-2. The application proposes the addition of a garage/ADU on the residence's west side. Per § 153.072(b) the interior side setback is 8 feet. The Board of Appeals may approve, approve with reasonable conditions, or deny the application based on specific findings of fact.

Written and oral comments from the public are welcome. Written comments can be mailed or emailed to the Zoning Administrator until 4:00 pm the day of the meeting. The case file and plans may be viewed at the Planning and Zoning Office in the lower level of City Hall between the hours of 8 am - 4 pm Monday through Thursday, or by appointment.

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



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

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

### VARIANCE APPLICATION

PRICE BUILDING + REMODELING      509 NEWMAN ST.  
Applicant      Address of subject property

CHARLEVOIX MI. 49720  
Address (City/State/Zip)

DEBORAH EDMONDS TRUST  
Property Owner Name (If different than applicant)

3800 INDIAN RUN DRIVE HENRICO, VA 23233  
Property Owner Address (City/State/Zip) (If different than address of subject property)

Property Owner Phone      Email  
(804) 347-1863      rosielupe@aol.com

Agent Phone      Email  
(231) 675-0714      RPBUILDER@CHARTER.NET

Current Zoning of subject property: RESIDENTIAL

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

Date of original construction (If known): NA

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

2 STORY, ONE CAR GARAGE WITH BATHROOM + BEDROOM ON THE 2ND FLOOR

Dimensions of proposed construction excluding eaves: 20 x 18'6"

Total square footage of proposed construction: 315

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

Height of proposed construction to the midpoint of the roof for gabled roof: 18'6"

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

- Variance Requested:
- Front Yard Setback \_\_\_\_\_ feet from front property line.
  - Rear Yard Setback \_\_\_\_\_ feet from front property line.
  - Side Yard Setback 40 feet from front property line.
  - Lot Coverage: Request \_\_\_\_\_% coverage.

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

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

MR + MRS EDMUNDS HAVE AN ADULT DAUGHTER WITH AUTISM. SHE REQUIRES LIMITED CARE BUT CAN FUNCTION ON HER OWN FOR SHORT PERIODS. THE ADDITION WILL ALLOW HER A PERSONAL SPACE WHILE BEING NEAR HER PARENTS WHEN ASSISTANCE IS NEEDED. THE EXISTING CARRIAGE HOUSE WILL BE ATTACHED TO HER SPACE AND ALLOW MORE LIVING AREA WHEN SHE NEEDS IT.

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

Include all of the following:

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

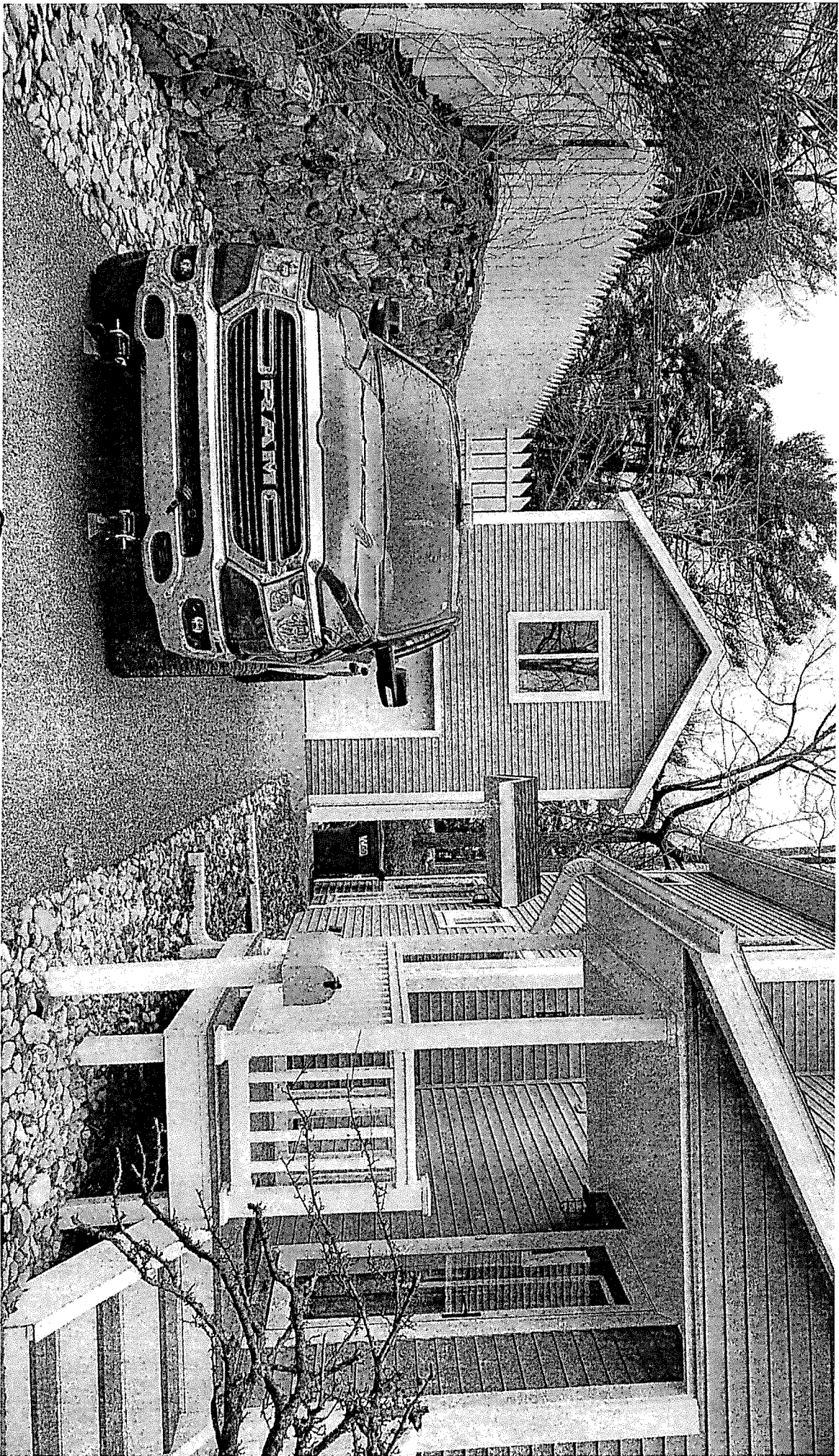
- Name of nearest road, easement, or dedicated right-of-way.
- Scale, North arrow.

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

Signed: Russell J Price  
Date: 3-12-2024

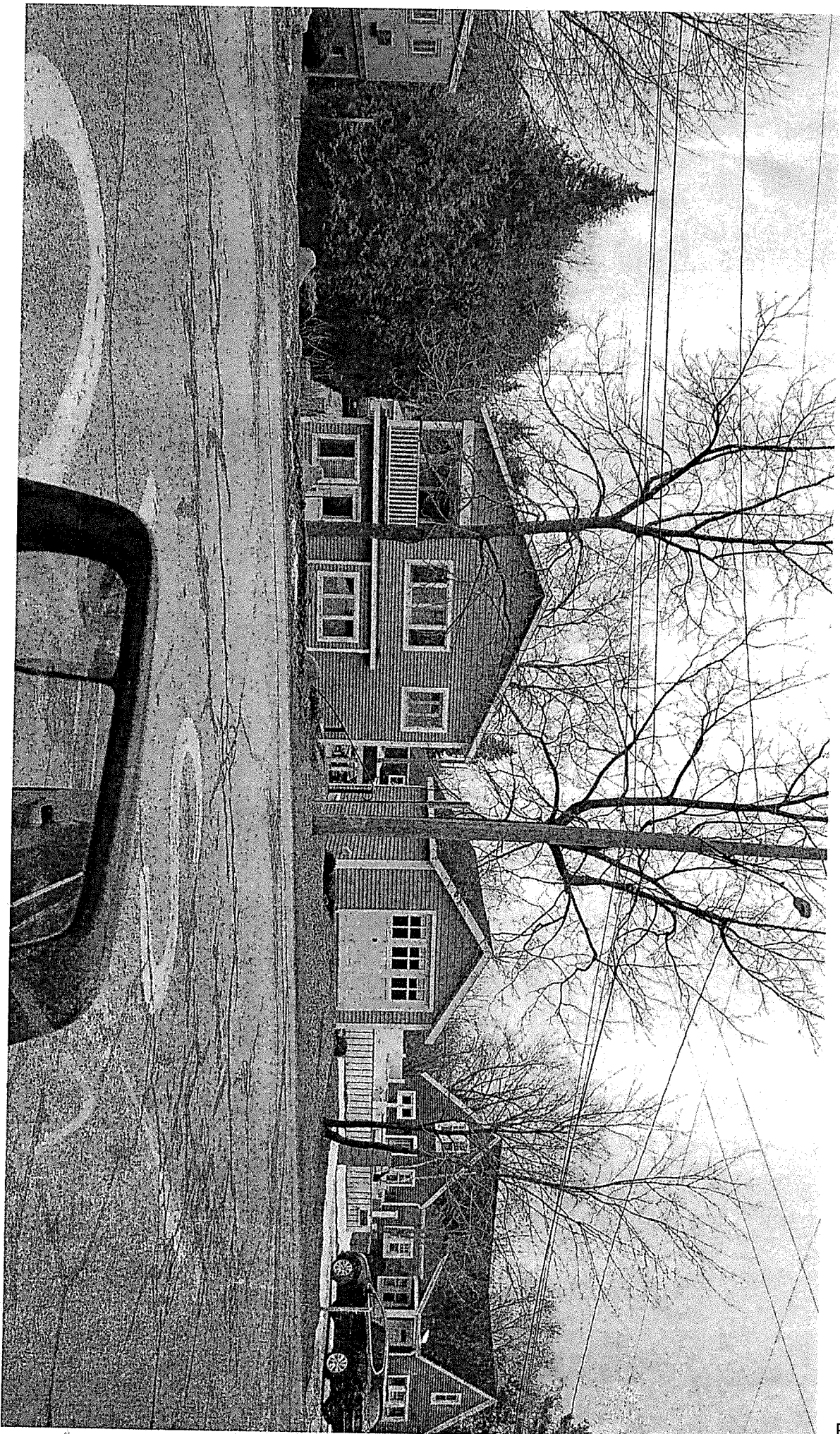


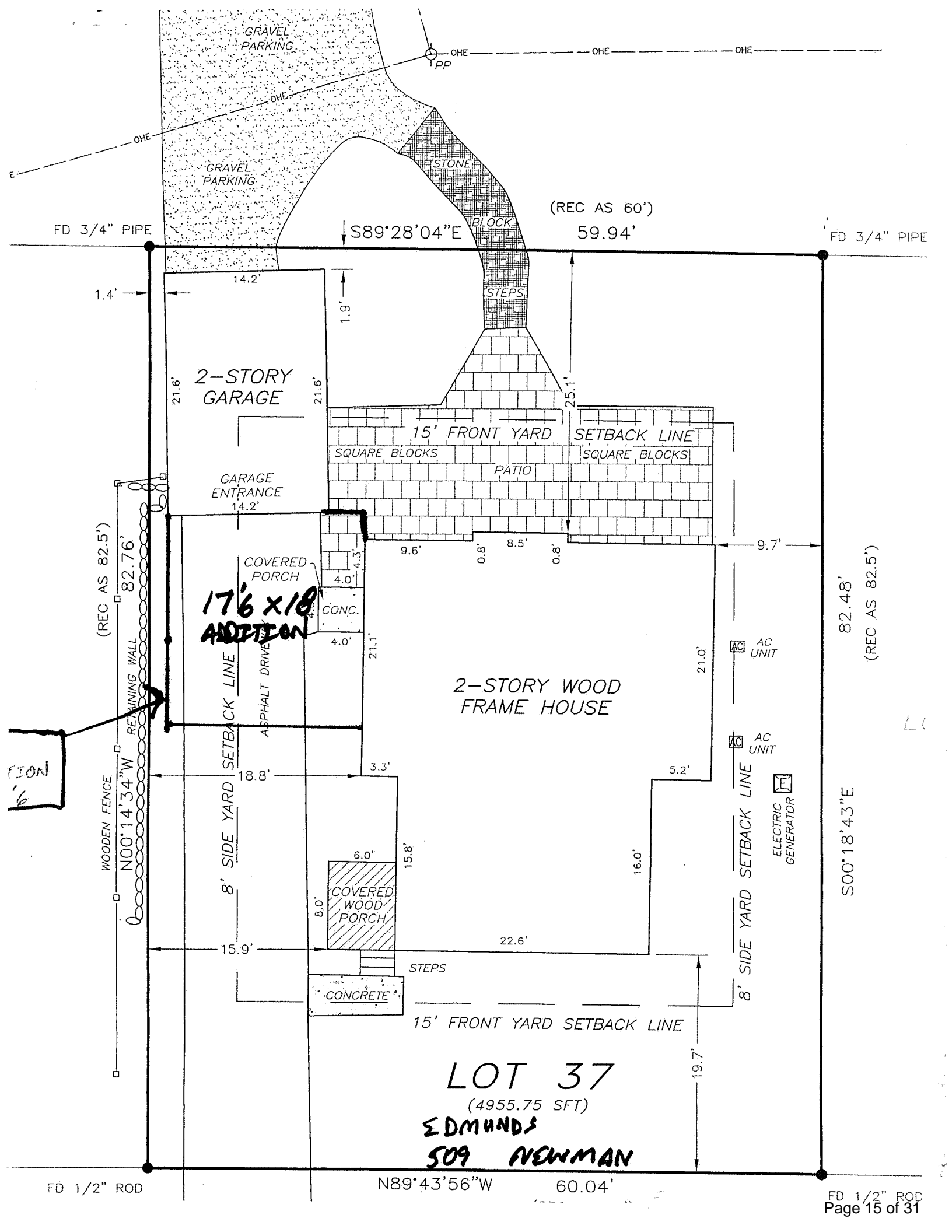
509 Newman Street



EDMUNDS

SOUTH JEN





**LOT 37**

(4955.75 SFT)

**EDMONDS**

**509 NEWMAN**

EXISTING GARAGE

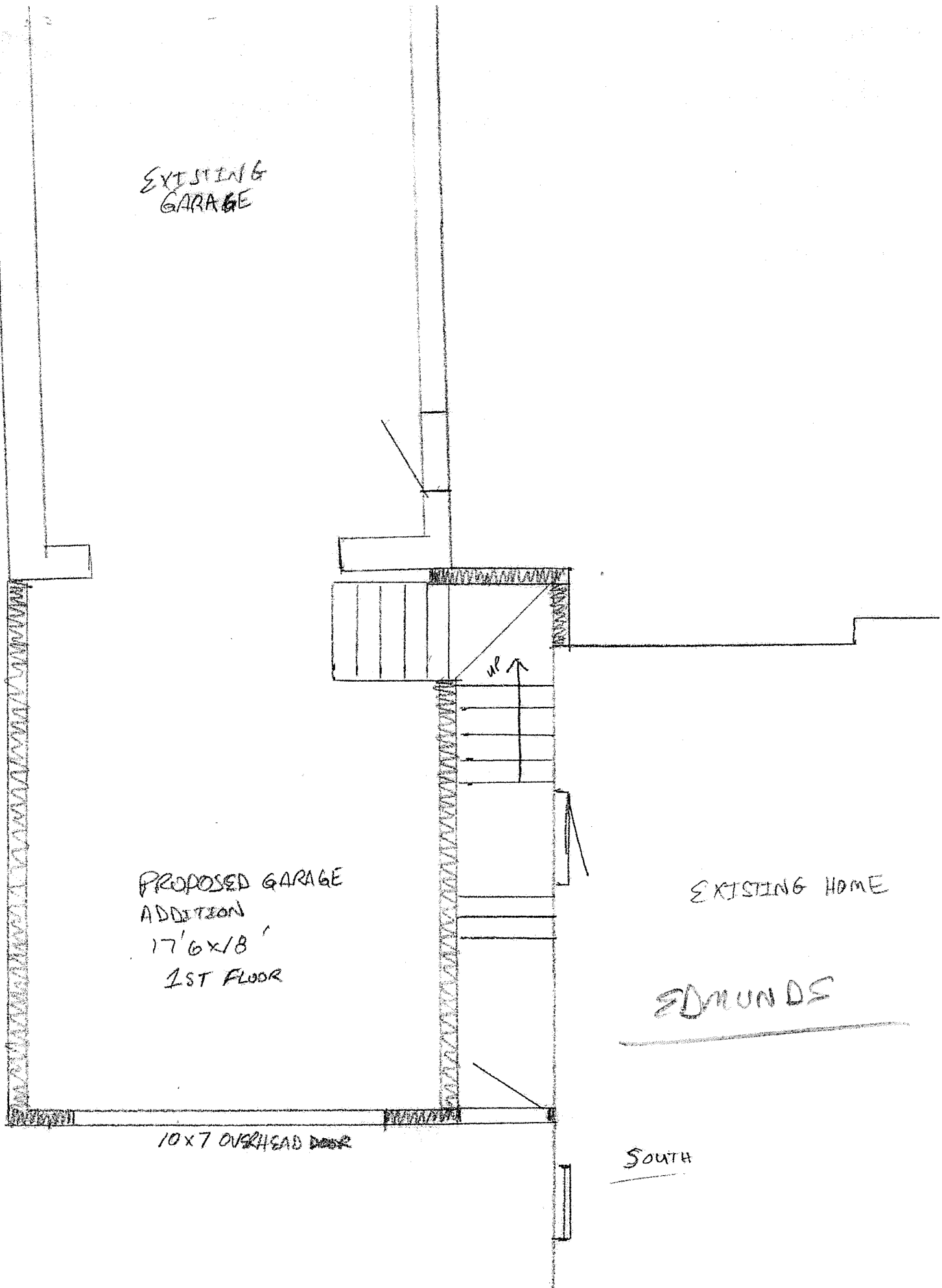
PROPOSED GARAGE  
ADDITION  
17'6" x 18'  
1ST FLOOR

EXISTING HOME

EDMUNDS

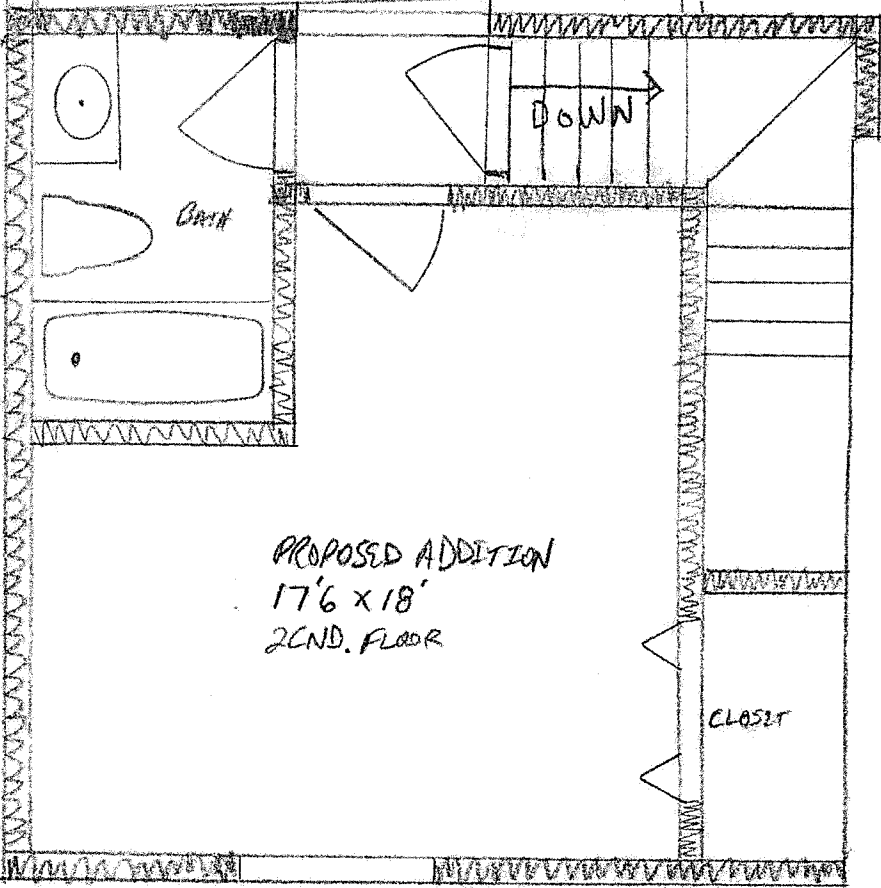
10x7 OVERHEAD DOOR

SOUTH



EXISTING  
CARRIAGE HOUSE  
2ND FLOOR

YARD



DOWN

CHIN

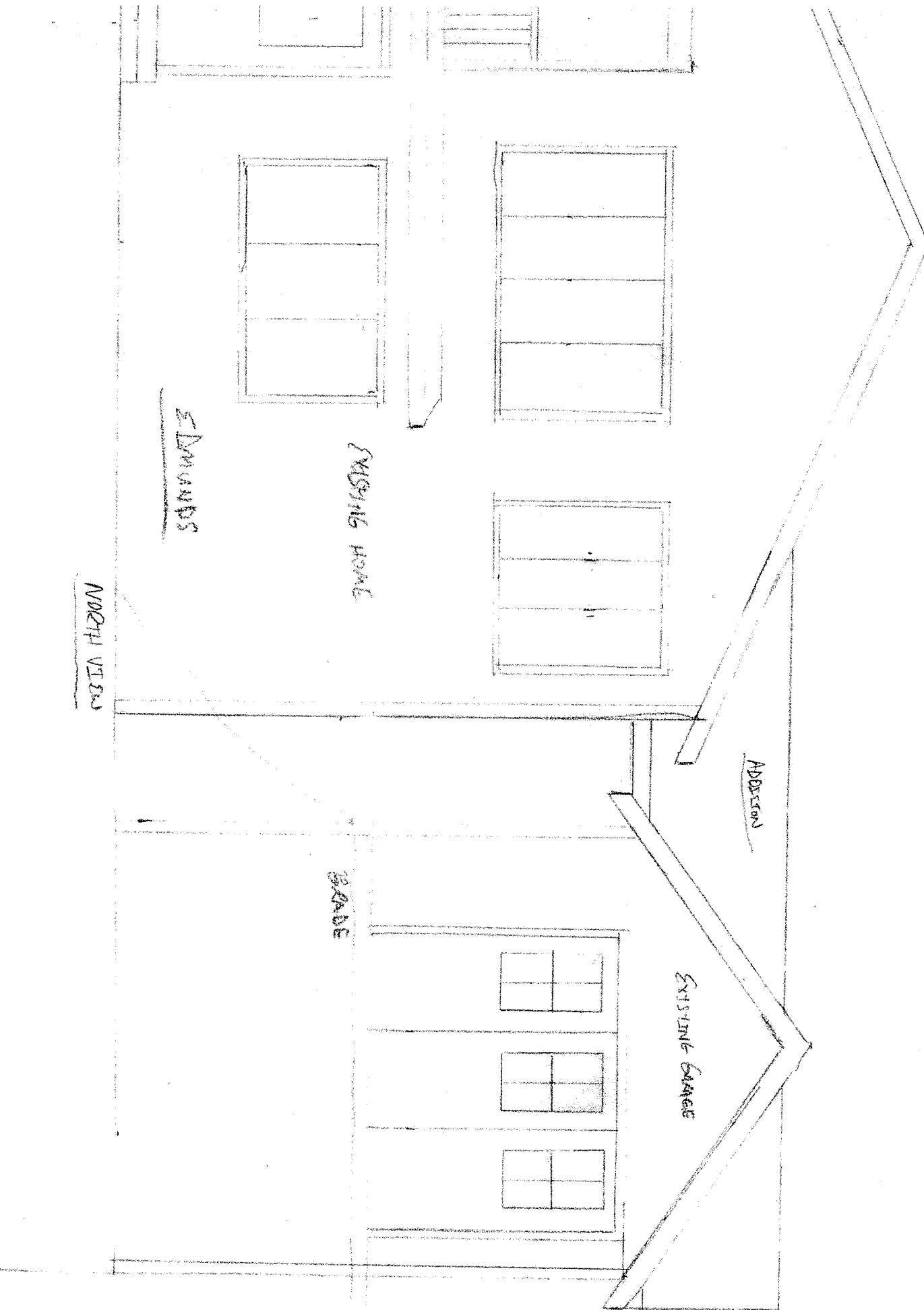
PROPOSED ADDITION  
17'6" x 18'  
2ND FLOOR

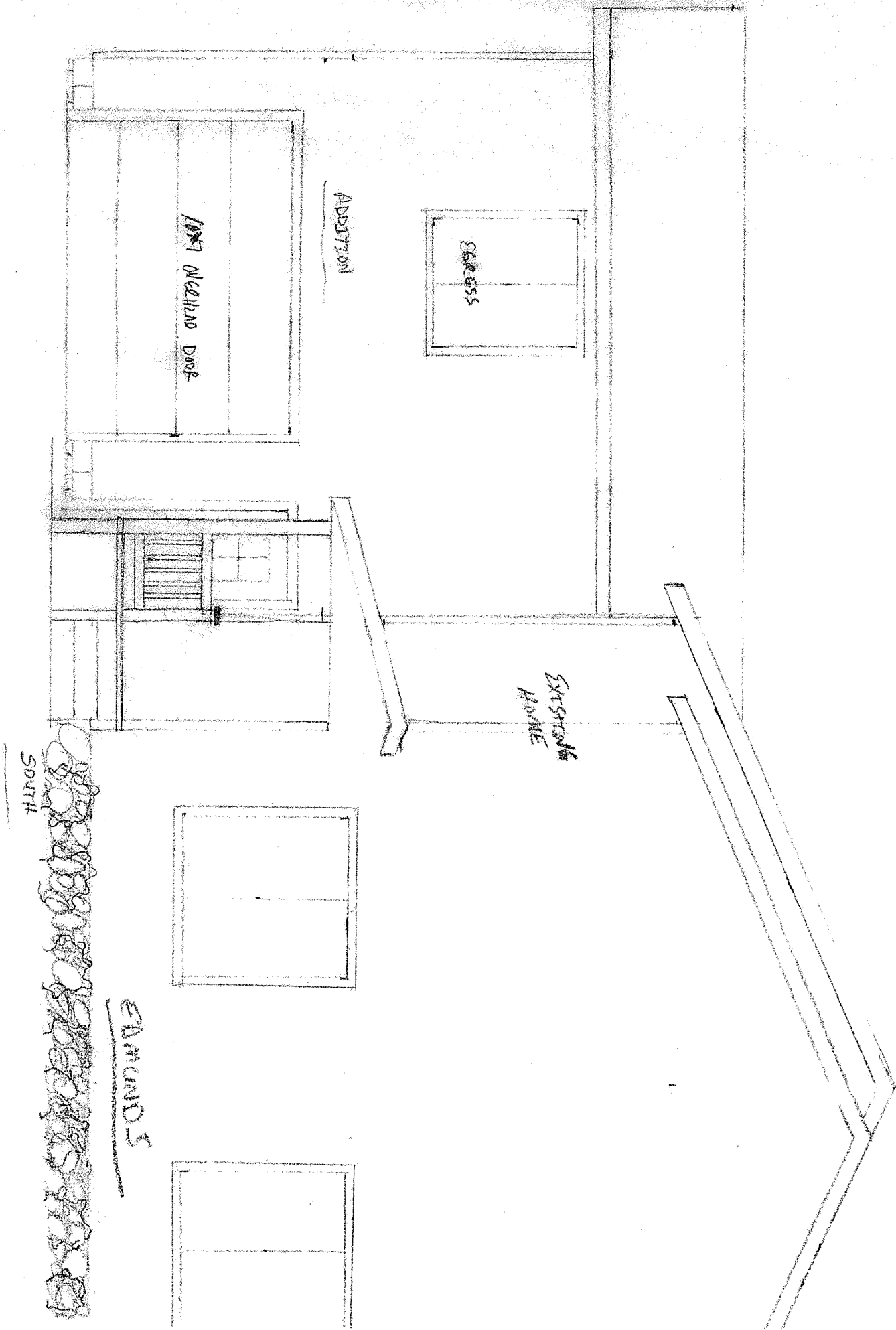
CLOSET

EXISTING  
HOME

EDWARDS

SOUTH







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

**ZONING BOARD OF APPEALS  
STAFF REPORT**

<b>AGENDA ITEM:</b>	<b><u>ZBA 24-01 Variance Request for 509 Newman Street.</u></b>
<b>PUBLIC MEETING DATE:</b>	April 17, 2024, 6:00 PM
<b>PRESENTED BY:</b>	Jonathan Scheel, Director Planning and Zoning

<b>EXHIBITS:</b>	<ol style="list-style-type: none"> <li>1. <b>Notifications</b></li> <li>2. <b>Variance application dated 3-12-2024</b></li> <li>3. <b>Boundary survey</b></li> <li>4. <b>Site plan, and building plan w/ elevations</b></li> <li>5. <b>City of Charlevoix Zoning Ordinance, adopted 3-4-2024.</b></li> </ol>
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**1. PROPOSAL**

The applicant is requesting a variance for parcel ID 052-270-037-00 from §153.072(b) of the City of Charlevoix Zoning Ordinance which defines the dimensional requirements in Residential Zoning Districts. The variance requested is a 6’ interior side setback variance. The setback standards in the R-2 District are:

Front yard setback..... 15 feet	Interior Side yard setback.....8 feet
Rear yard setback..... 25 feet	Street side setback..... 15 feet
Lot coverage impervious surface ....40%	

The purpose of this Staff Report is to evaluate this proposal against the procedures and criteria outlined in Chapter 153 of the City of Charlevoix Zoning Ordinance, adopted March 4, 2024.

**2. BACKGROUND**

The variance application was submitted on March 14, 2024. The notice of public hearing was published in the Charlevoix *Courier* on March 29, 2024, and mailed to 27 property owners within 300 feet of this parcel on March 28,2024.

The Zoning Administrator reviewed this proposal. No other City staff was asked for input on this project.

**3. SITE**

The subject property is located at 509 Newman Street. The tax description is: “Lot 37 of Upright and Hurlbut’s Addition to Charlevoix.” The parcel has dimensions of 60’ x 82.5, with an area of 4,950 square feet.



*Aerial imagery obtained from Charlevoix County website 3-14-2024*



*Aerial imagery obtained from Google Earth 3-12-2024*



*Photos of 509 Newman Street  
Taken 4/1/2024.*

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

Staff opinion concerning this variance request is that the ZBA will have to evaluate the findings of fact below. If approved, staff recommended conditions of approval would include that any windows on west side of ADU be opaque for privacy and double glazed for improved soundproofing.

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

Regarding dimensional variances, § 153.038 (F)(1) of the Zoning Ordinance states that:

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

Section 604(7) of Public Act 110 of 2006, the Zoning Enabling Act as amended, states in part that: “If there are practical difficulties for nonuse variances...in the way of carrying out the strict letter of the zoning ordinance, **the zoning board of appeals may grant a variance in accordance with this section, so that the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done.**”

During the public hearing on April 17, 2024, the role of the ZBA is to make findings of fact to determine if the variance request meets the following standards. The ZBA must find that the variance proposal meets all the following standards based on findings of fact before considering a motion to approve. **Staff has drafted findings of fact of approval and of denial as a starting point for discussion.** The ZBA may add, modify, or delete any of the following findings on the hearing date.

##### **General findings of fact for:**

#1) Garage/ADU addition request, 6' interior side setback variance at 509 Newman Street

1. The subject parcel 052-270-037-00 is zoned Residential 2.
2. According to Charlevoix County Records, the subject parcel is owned by Deborah Morris Edmunds Revocable Trust 3800 Indigo Run Drive Henrico, VA 23233
3. The subject parcel and structures were established prior to current City Zoning
4. The subject property is 4,950 sq feet and is a through lot between Newman St. and Antrim St.
5. The subject property is substantially smaller than most other lots in the R-2 District
6. The side yard setback for Residential 2 is 8 feet.
- 7 The subject lot rises with an elevation change of more than 8 feet in the northern 15 feet of the lot.
8. There is a 21' x 14' legal non-conforming garage, setback 1' 4" from the side and 1' 9" from the Antrim St. front setback
9. The owner proposes to build an 18' x 17' 6" garage/ADU addition attaching it to the house.

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

- (a) Extraordinary Circumstances. Exceptional or extraordinary circumstances or conditions may include:
- 1) Exceptional narrowness, shallowness, small size or shape of a specific property on the effective date of this chapter;
  - 2) Exceptional topographic conditions or other extraordinary situation on the

land, building or structure; and (3) The use or development of the property immediately adjoining the property in question, whereby the literal enforcement of the requirements of this chapter would involve practical difficulties. § 153.038(F)(2)(a)

***Finding of Approval - #1***

*The ZBA finds that the need for the requested variance is due to unique circumstances regarding the property. The ZBA finds that this standard is met as a result of the existing legal nonconforming lot length and area leaves very little room in the yard, which substantially reduces the property's buildable area.*

***Finding of Denial - #1***

*None.*

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

***Finding of Approval - #1***

*The ZBA finds that this standard is met as a result of the existing legal conforming home would not be considered large with a foot print of 1,000 sq feet. There is little ability to expand within the current setback regulations. The nonconforming garage is built 1' 10" from the west property line and 4' 3" in the rear setback and the lot coverage is near 40% of impervious surface. that the variance meets the standard as, due to current setback requirements, the residence does not have space to build a garage and ADU within the current setbacks of the Zoning Ordinance.*

***Finding of Denial - #1***

*The ZBA finds that denying the request for an allowed use of a garage and ADU into current setbacks is reasonable as there may be other avenues for property owner to pursue that would provide a similar expansion without the need for a variance*

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

***Finding of Approval - #1***

*The ZBA finds that the request will be of minimal impact and similar to existing homes in the neighborhood. The ZBA finds that the request meets*

*this standard as it will not have a negative impact on the adjacent property owner or the neighborhood.*

***Finding of Denial - #1***

*None.*

- (d) Public Safety and Welfare. The granting of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the

danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of the city.  
§153.038(F)(2)(d)

***Finding of Approval - #1***

*The ZBA finds that the standard is met as the applicant's request will not negatively affect public safety and welfare.*

***Finding of Denial - #1***

*None.*

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

***Finding of Approval - #1***

*The ZBA finds that the standard is met as the applicant's request is not self-created due to the home being constructed outside current setback requirements long before current regulations were put in place.*

***Finding of Denial - #1***

*None.*

Section 504 of Public Act 110 of 2006, the Zoning Enabling Act as amended, states the following:

- (4) Reasonable conditions may be required with the approval of a special land use, planned unit development, or other land uses or activities permitted by discretionary decision. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
- (a) Be designed to protect natural resources, the health, safety, and welfare, as well as the 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.
  - (b) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
  - (c) Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.

**6. ZBA ROLE AND OPTIONS**

The City of Charlevoix Zoning Board of Appeals has the following options for the variance application, project ZBA 24-01 for 509 Newman Street:

1. Deny project ZBA 24-01 based on specific findings of fact that prove the project does not meet the review standards in 153.038 (F).
2. Approve project ZBA 24-01 without conditions, based on specific findings of fact that prove the project does meet the review standards in 153.038 (F).
3. Approve project ZBA 24-01 with conditions, based on specific findings of fact that prove the project does meet the review standards in 153.038 (F).
4. Postpone the decision on project ZBA 24-01.

**CITY OF CHARLEVOIX  
ZONING BOARD OF APPEALS**

DECISION AND ORDER  
Dimensional Variance

Applicant:

Hearing Date:

PROPERTY DESCRIPTION

The property of \_\_\_\_\_, described as:

hereinafter referred to as the "property."

A Land Use Permit and Building Permit must be actually applied for, used, and construction or alteration actually started, *unless an extension has been appropriately granted*, within SIX MONTHS of the date the decision is dated.

APPLICATION

THE APPLICANT SEEKS:

The Board having considered the Application, a public hearing having been held on \_\_\_\_\_, after giving due notice as required by law, the Board having heard the statements of the Applicant/Applicant's attorney and agents, if any, the Board having considered letters submitted by members of the public and comments by members of the public, if any, the Board having considered \_\_\_\_\_ Exhibits, and the Board having reached a decision in this matter, states as follows:

GENERAL FINDINGS OF FACT

1. The Board finds that the property is currently zoned \_\_\_\_\_ under the zoning ordinance.
2. The Board finds that Section \_\_\_\_\_ of the zoning ordinance requires the following:
  
3. The Board finds that the Applicant desires a \_\_\_\_\_ feet variance from the above requirement to allow the construction of the following:

FINDINGS OF FACT UNDER SECTION 153.038 OF THE ZONING ORDINANCE

The Board makes the following findings of fact as required by Section 5.256(4) of the zoning ordinance for each of the following standards listed in that section:

1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant=s personal or economic situation.

- a. The Board finds that

- b. The Board finds that

2. The need for the requested variance is not the result of action taken by the property owner or previous property owners. (self-created).

- a. The Board finds that

3. The requested variance is the minimum variance necessary to grant substantial relief to the applicant while at the same time minimizing any adverse impacts to other property owners in the general neighborhood or zoning district.

a. The Board finds that

b. The Board finds that

FINDINGS OF FACT UNDER SECTION 5.256(5)(a) OF THE ZONING ORDINANCE

The Board makes the following findings of fact as required by Section 153.038 of the zoning ordinance for each of the following standards listed in that section:

1. To obtain a variance from the dimensional requirements of this Ordinance (area setback, frontage, height, bulk, density, or other dimensional requirements), the applicant must establish that strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

a. The Board finds that

b. The Board finds that

DECISION

Upon motion, by \_\_\_\_\_ seconded by  
and passed, by for: \_\_\_\_\_ against: the Board RULED that the Applicants'  
variance request be \_\_\_\_\_.

CONDITIONS, IF ANY

- 1.
- 2.
- 3.
- 4.

TIME PERIOD FOR JUDICIAL REVIEW

MCLA 125.585(11) provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Zoning Board of Appeals to the Circuit Court. Pursuant to MCR 7.101 any appeal must be filed within twenty-one (21) days after this Decision and Order is adopted by the Zoning Board of Appeals.

DATE DECISION AND ORDER ADOPTED

\_\_\_\_\_ Chairperson

# Charlevoix Zoning Board of Appeals

## New Business

**Title:** Set future meeting dates 2024

**Date:** April 17, 2024

**Presented By:**

**Background:**

Annual setting of meeting dates

**Recommendation:**

**Attachments:**

1. ZBA meeting dates 2024
2. ZA Report to PC 2024-3

## Zoning Board of Appeals Meeting Dates 2024

The Zoning Board of Appeals meets on the third Wednesday of each month as needed. These dates for 2024 would be....

April 17

May 15

June 19

July 17

August 21

September 18

October 16

November 20

December 18



To: The City of Charlevoix Planning Commission  
 From: Jonathan Scheel, Zoning Administrator  
 Subject: Zoning Administrator’s Report re: thru March 2024

**Permits Issued in 2024**

Following are two types of breakdowns for the 91 permits issued by the zoning office so far in 2024:

<u>By month</u>	<u>By type</u>
January .....7	Banner permits .....11
February .....5	Fence permits .....4
March .....10	Sidewalk café/use .....1
April .....	Sign .....
May.....	Zoning.....5
June.....	Use.....1
July.....	
August .....	
September.....	
October.....	
November.....	
December .....	

The fence, sign & zoning permits break down into the following zoning districts:

Central Business District (CBD).....	2
Commercial Mixed (CM).....	1
General Commercial (GC).....	
Industrial .....	
Marine Commercial (MC) .....	
Residential Private Club (PC) .....	
Public Facilities .....	
R-1 .....	3
R-2 .....	5

**Level A Site Plan Administrative Review**

None

**Level B Site Plan Reviews / Special Use Permits**

None

**Variances to Zoning Board of Appeals**

None

**Other activities**

City staff continue to be engaged with interested developers of housing in Charlevoix.

City representatives will meet with Charlevoix Township to start the process with the Housing Readiness grant.