



Agenda
City of Charlevoix Zoning Board of Appeals Regular Meeting
Wednesday, August 21, 2024 - 6:00 PM
Council Chambers, 210 State Street, Charlevoix, MI

- 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. April 17, 2024
- 6. Old Business**
- 7. New Business**
 - A. Public Hearing for Applicant William and Kelly Lockwood 1209 Bridge Street. Request for two Interior side yard variances of 9'6" and 1' 10"
 - 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
- 8. Other**
 - A. Zoning Administrator's Report
- 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. 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: April 17, 2024

Date: August 21, 2024

Presented By:

Background:

Recommendation:

Motion to approve the minutes as presented.

Attachments:

1. Draft Minutes from 04/17/2024

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

1. Call to Order

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

2. Roll Call/Pledge of Allegiance

Chair:	Richard Hodgson
Members Present:	Shirley Gibson, Ann Gorney, Patricia Miller, Dan Reed (Alternate)
Members Absent:	Tim Kish
Staff Present:	Jonathan Scheel, Director of Planning & Zoning Administrator

3. Inquiry Regarding Conflicts of Interest

4. Approval of Agenda

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

Motion passed by unanimous voice vote.

5. Approval of Minutes

A. August 16, 2023

Chair Hodgson stated a correction was needed on page 4, 3rd line from the bottom of the last paragraph, should read east side of the house instead of west side.

Motion by Member Gorney, seconded by Member Gibson to approve the minutes of August 16, 2023, as corrected.

Motion passed by unanimous voice vote.

6. Election of Officers

Chair Hodgson stated he would again volunteer to serve as Chair and that Tim Kish would be happy to continue to serve as Vice Chair unless someone else wanted to do it.

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

Motion passed by unanimous voice vote.

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

Chair Hodgson opened the item for discussion.

Staff Presentation: Director Scheel stated the applicant is requesting an interior side setback variance of 6' from the requirements defined in Section 153.072(b) of the Zoning Ordinance for an attached garage addition at 509 Newman Street. Mr. Scheel referenced the materials included in the packet. The property is zoned residential R-2 and the applicant is proposing the addition of a garage on the residence's west side. The Zoning Ordinance Section 153.072(6) states the interior side setback is 8'. The property is an existing single family home with a detached two-story, one-car garage. The property is a through lot with frontage on Antrim and Newman Streets.

Director Scheel further described the application, staff report and photographs of the subject property, and reviewed standards with general proposed findings of fact and clarified that the request was for expansion of the garage, not construction of an ADU.

Member Gibson questioned if there were already two non-conforming garages on the property and Director Scheel stated it all depends on what the definition is, and he would not say that there were two garages. Mr. Scheel stated the door that faces Antrim Street looks like a garage door, but it is a finished maple wood floor that has three (3) small beds in it and there was no way that he would put any vehicle in that space other than a small motorcycle, but down below is definitely a one-car garage. The structure is two stories and it is non-conforming because it is in the setback of the side yard and that's why the owners are requesting a variance, and it is approximately 14' in the front setback of Antrim which is non-conforming. The existing building has three (3) non-conformities, but it is legal because it was built well before the Zoning Ordinance was put in place.

Chair Hodgson stated the staff report references garage/ADU and Director Scheel stated that should not be part of the Board's consideration. Mr. Scheel stated that an ADU is an accessory building but an accessory building isn't necessarily an ADU, but they have the same requirements for the structure itself.

Applicant presentation: Randy Price, Builder, stated they were trying to add the garage expansion to accommodate a quiet area for an autistic daughter that needs a space of her own to be away from other people, in addition to an expansion of the garage. The garage on the property is very small as it is built into a hill. Mr. Price stated the applicants were trying to expand the home more to have room for their two daughters. Mr. Price stated the neighbors have an 8' tall retaining wall on the west side of the property that the garage will be contiguous with. The lot is smaller than most lots in the area. Mr. Paul Edwards, Owner, added that their

severely autistic child is their life and another reason they are up north is that she can't handle hot weather. Mr. Edwards stated they do not have any desire to turn the space into a short-term rental. Mr. Price and Mr. Edwards responded to questions from Board Members.

Call for public comment: None.

ZBA determination of findings of fact: Chair Hodgson began a review of each of the findings of fact.

Extraordinary circumstances: It is a legal, non-conforming, relatively small lot. Substantial justice: Chair Hodgson stated there was nothing about the property that's driving this and Member Gibson agreed that there was no hardship. Member Gibson stated she was familiar with the property and the garage had been used as a garage and the person who owned it at the time had an SUV that fit in the bottom garage. Director Scheel stated they were talking about the expansion of an accessory building and attaching the building to the home. Chair Hodgson stated that if the variance was approved it would be expanding a non-conformity.

After discussion, the Board agreed with a Finding of Denial - The ZBA finds that denying the request for an allowed expansion of a garage 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, it is not a substantial right to build any size accessory building.

Motion by Member Gibson, seconded by Member Reed to 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)(2b).

Motion passed by unanimous voice vote.

B. Set future meeting dates 2024

Director Scheel stated the standard meeting days were the third Wednesday of every month as needed if and when they have an application.

Director Scheel reported he recently received two (2) grants, one is for expenses related to meeting with Charlevoix Township to discuss adjacent lands and how to promote housing in those areas; and the second one is a \$300,000 housing rehabilitation grant whereby low income homeowners can receive up to a \$40,000 forgivable grant to repair their houses.

Director Scheel reported that multiple developers are interested in Charlevoix right now which could lead to several future developments.

Director Scheel stated the Planning Commission is working on new regulations for mixed-use residential and commercial areas on the corridor.

9. Public Comment

10. Adjourn

Chair Hodgson adjourned the meeting at 6:49 p.m.

Sarah J. Dvoracek/fgm City Clerk

Richard Hodgson Chair

Charlevoix Zoning Board of Appeals

New Business

Title: Public Hearing for Applicant William and Kelly Lockwood 1209 Bridge Street. Request for two Interior side yard variances of 9'6" and 1' 10"

Date: August 21, 2024

Presented By: Jonathan Scheel, Zoning Administrator

Background:

The applicant is requesting a variance for parcel ID 052-369-038-00 from §153.087 of the City of Charlevoix Zoning Ordinance, which defines the dimensional requirements in the Commercial Mixed Use Zoning District. The variance requested is a 9'6" interior side setback variance and a 1'10" interior side setback.

Recommendation:

Motion to Approve, Deny or Table.

Attachments:

1. variance 24-2
2. structure
3. 24-02 Staff Report 1209 Bridge St.



July 19, 2024

NOTICE OF PUBLIC HEARING

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

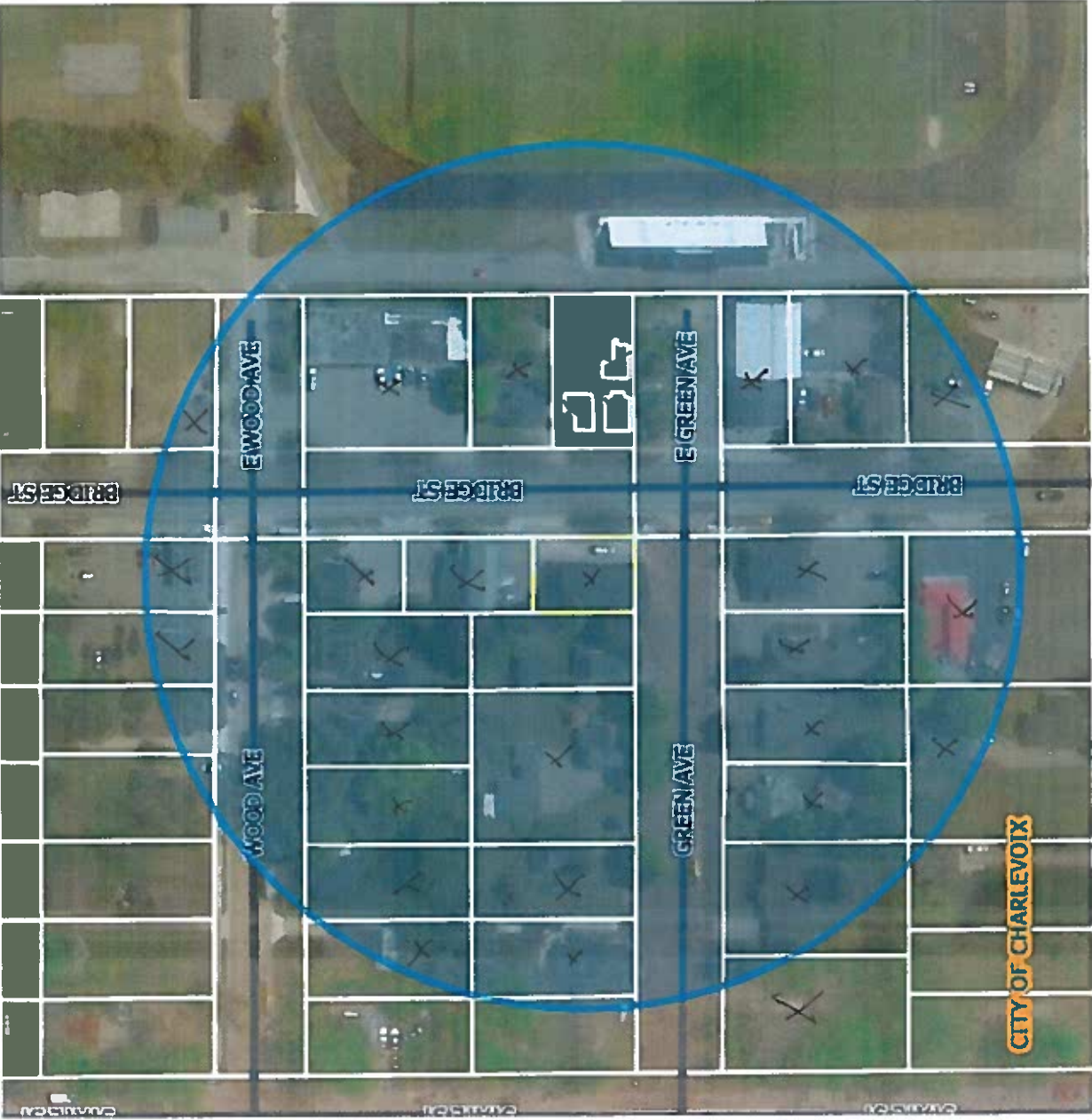
Case Number: 24-02 ZBA
Parcel #: 052-369-038-00
Applicant: William and Kelli Lockwood
Property Address: 1209 Bridge Street
Property Owner(s): William and Kelli Lockwood

The Charlevoix City Zoning Board of Appeals will hold a public hearing on Wednesday, August 21, 2024, at 6 pm in the Charlevoix City Hall Council Chambers to evaluate a variance application for an attached deck and staircase at 1209 Bridge Street. The applicant is requesting an interior side setback variance of 9'6" feet and a second interior side setback variance of 1'10" feet from the requirements defined in § 153.087 of the Zoning Ordinance.

The property is zoned Commercial Mixed Use. The application proposes the addition of a deck and staircase to the primary structure's north side. Per § 153.087 the interior side setback is 10 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



30 sent



1' 10" side yard
9' 6" side yard
1' 6" side yard

CERTIFICATE OF MORTGAGE INS

CERTIFIED TO:

CITIZENS BANK

328 S. Saginaw Street
Flint, Michigan 48501
PREFERRED TITLE CO.

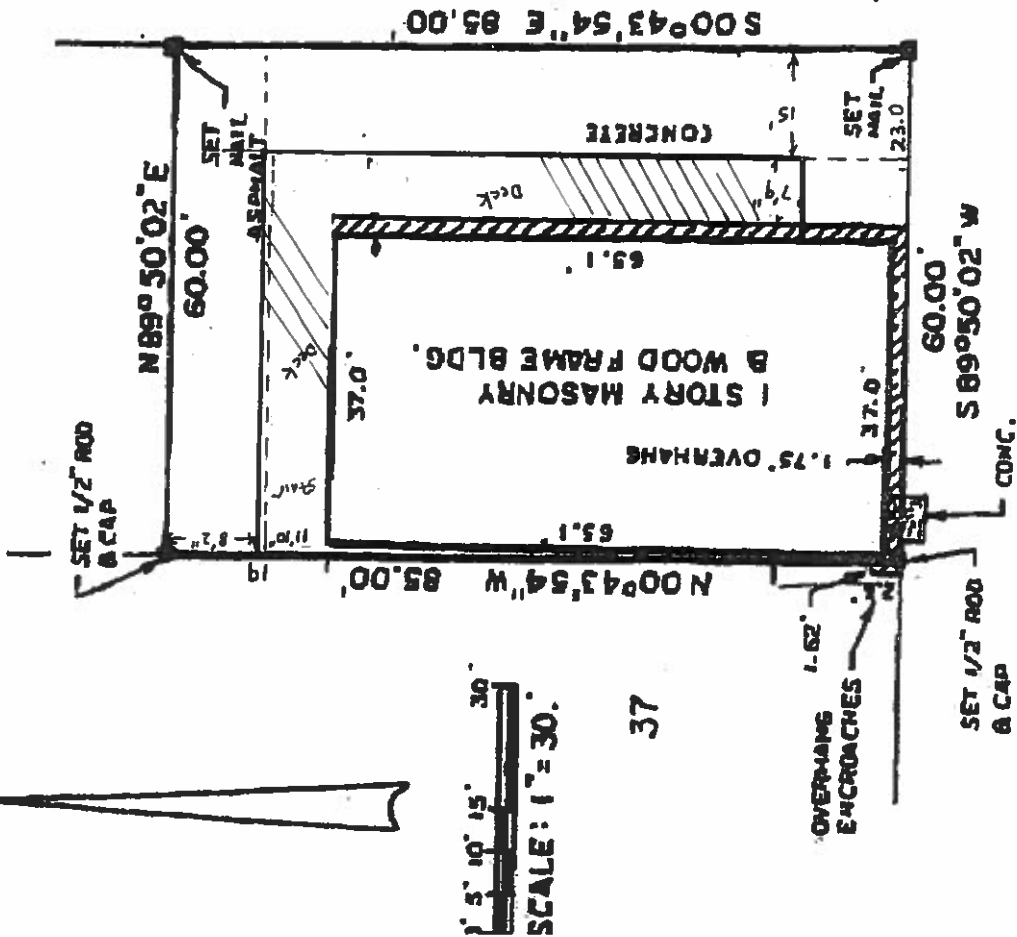
and

P.O. Box 357

Charlevoix, Michigan

Date: July 15, 1998

NORTH



SOUTH BRIDGE STREET (U.S. - 31)

GREEN AVENUE

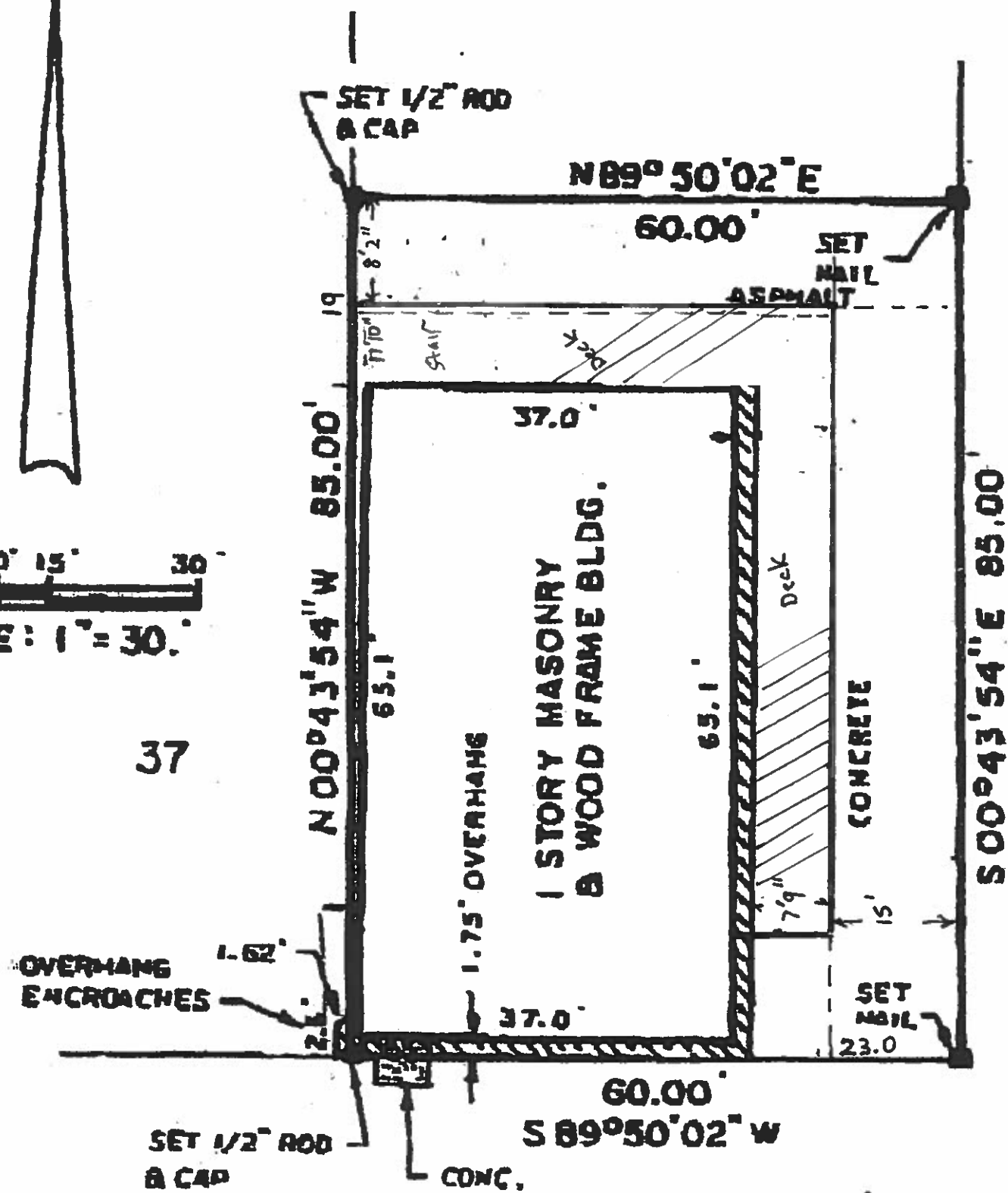
1'10" side yard
9'6" side yard

CERTIFICATE OF MORTGAGE INS

CERTIFIED TO: CITIZENS BANK
328 S. Saginaw Street
Flint, Michigan 48502
and PREFERRED TITLE CO.
P.O. Box 357
Charlevoix, Michigan
Date: July 15, 1998

NORTH

0' 5' 10' 15' 30'
SCALE: 1" = 30'



66'

SOUTH BRIDGE STREET (U.S. 31)

GREEN AVENUE

Not For Constr
05/08/2024 1:56:17

UGLY DUCKLING

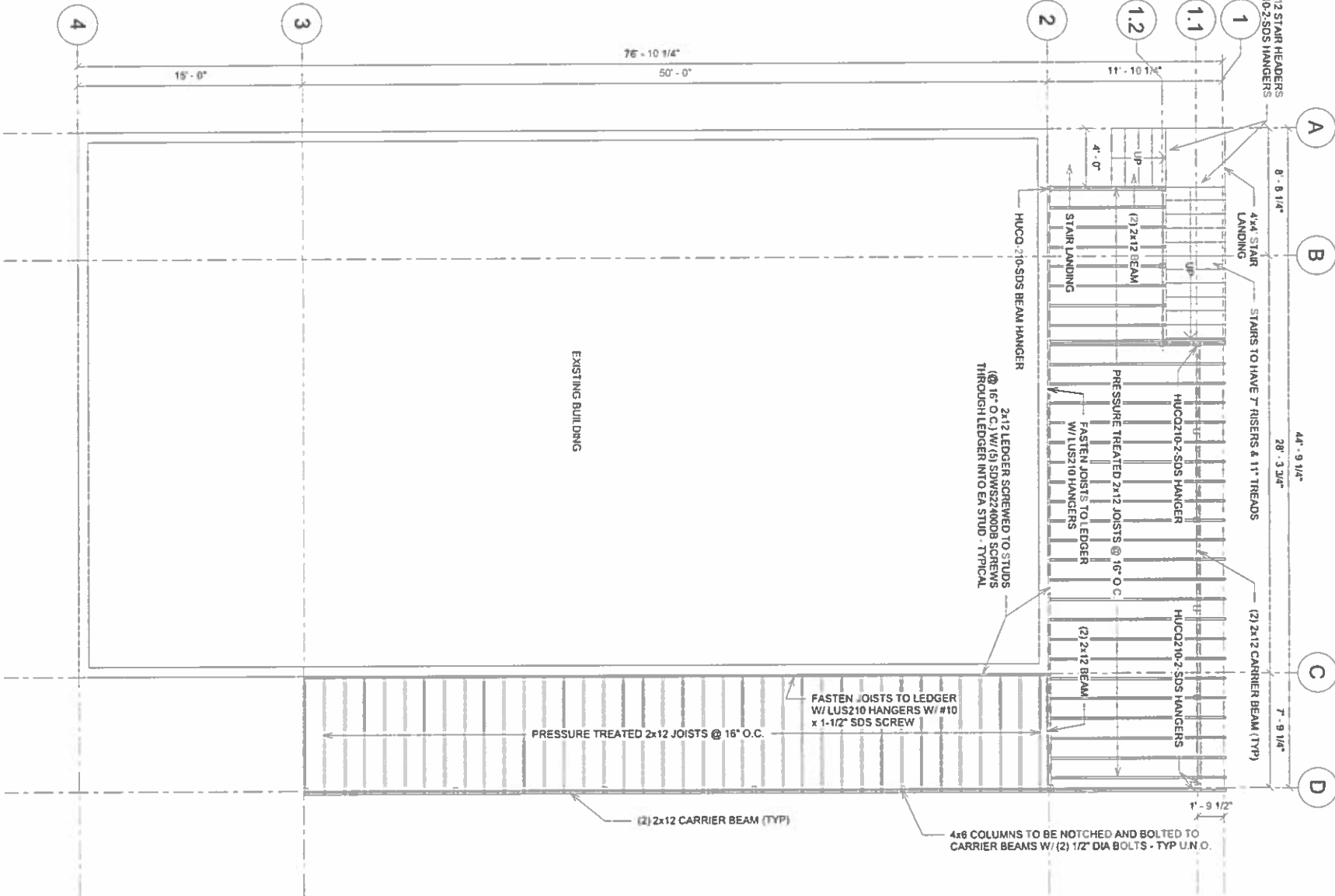
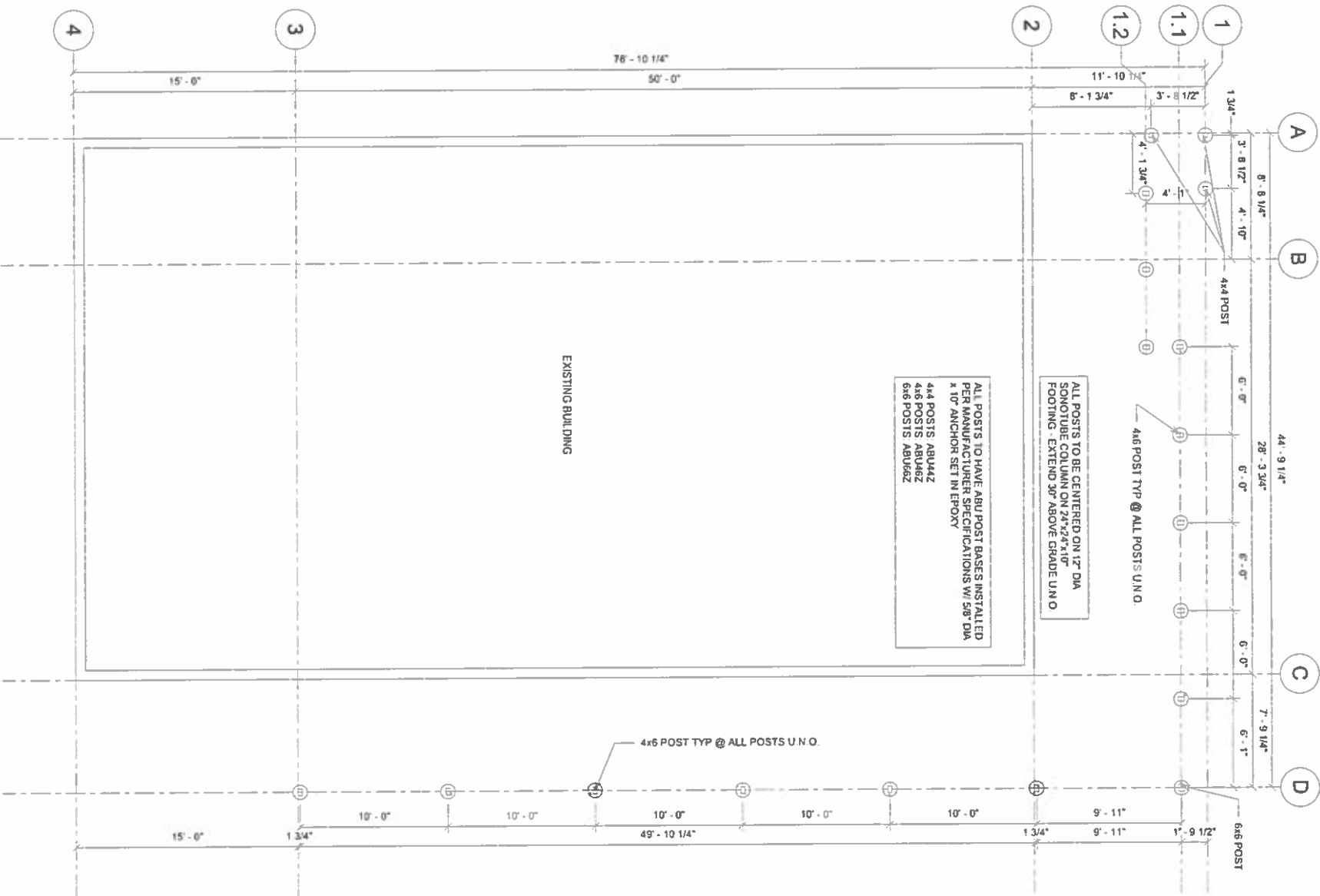
1209 BRIDGE ST
CHARLEVOIX, MI

BRUCE LOCKW

No.	Description
0	OWNER REVIEW
1	ZONING REVIEW

STRUCTURAL PI

PROJECT NUMBER	
DATE	
DESIGNED BY	
DRAWN BY	
CHECKED BY	



1 FOUNDATION PLAN
3/16" = 1'-0"

2 DECK FRAMING PLAN
3/16" = 1'-0"



OFFICE USE ONLY

Case #

Date Rec'd

Fee Rec'd

Receipt #

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

VARIANCE APPLICATION

William & Kelli Lockwood
Applicant
1209 BRIDGE ST. CVR, MI 49720
Address of subject property
P.O. BOX 292 CHARLEVOIX, MI 49720
Address (City/State/Zip)

SAME
Property Owner Name (If different than applicant)

SAME
Property Owner Address (City/State/Zip) (If different than address of subject property)

WILLIAM
Property Owner Name
(231) 218-4008
Property Owner Phone
Kelli
Agent Name
(231) 218-4020
Agent Phone
wblockwood3@gmail.com
Email
kellilockwood@gmail.com
Email

Current Zoning of subject property: CM

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

Date of original construction (If known): Circa 1930's

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

Dimensions of proposed construction excluding eaves: 44'-9 1/4" x 11'-10 1/4" / 61'-10 1/4" x 7'-9 1/4"
Total square footage of proposed construction: 925 sq. ft.

Height of proposed construction to the top of the roof: NA

Height of proposed construction to the midpoint of the roof for gabled roof: NA

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

- Variance Requested:
- ☐ Front Yard Setback _____ feet from front property line.
 - ☐ Rear Yard Setback _____ feet from front property line.
 - ☒ Side Yard Setback 0 feet from ^{SIDE} ~~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?
SEE ATTACHMENT

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: *Kevin Lockwood & W. B. [Signature]*
Date: *6.15.2024*

See ordinance rules on next pages

VARIANCE APPLICATION

June 15, 2024

William & Kelli Lockwood

Subject Property: 1209 Bridge Street, Charlevoix, MI. 49720

HARDSHIPS & PRACTICAL DIFFICULTIES

The property is a small, narrow lot with the building (erected in the 1930's) on the back lot line.

As well, it is a legal nonconforming lot at 5,100 square feet. (Ordinance is a minimum of 9,000 square feet) and it's a corner lot, meaning 2 fronts and backs with no sides. Because of this, the buildable area is reduced compared to a similar interior lot.

We are attempting to add much needed housing (use by right in the Commercial Mixed-Use District) above the existing one-story building.

The design we propose will allow for sufficient Access to the upper level of the building without the loss of vital parking space or increased reliance of street parking. With this plan, there will be enough on-site parking to include the new residential unit.

The proposed structure will be open with low-profile (standard 4' high) safety rails, allowing maximum view and airflow to neighboring properties.

The proposed design will enhance the functionality and esthetics of the property. We believe we will not be able to add the housing unit without this variance.

I'm In full support of

Issuing this Variance.

Bryan Noiret

1206/1208 Bridge St.

Rainy Day Solutions!

Thank you!

7/24/24



CITY OF
CHARLEVOIX

July 19, 2024

NOTICE OF PUBLIC HEARING

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

Case Number: 24-02 ZBA
Parcel #: 052-369-038-00
Applicant: William and Kelli Lockwood
Property Address: 1209 Bridge Street
Property Owner(s): William and Kelli Lockwood

The Charlevoix City Zoning Board of Appeals will hold a public hearing on Wednesday, August 21, 2024, at 6 pm in the Charlevoix City Hall Council Chambers to evaluate a variance application for an attached deck and staircase at 1209 Bridge Street. The applicant is requesting an interior side setback variance of 9'6" feet and a second interior side setback variance of 1'10" feet from the requirements defined in § 153.087 of the Zoning Ordinance.

The property is zoned Commercial Mixed Use. The application proposes the addition of a deck and staircase to the primary structure's north side. Per § 153.087 the interior side setback is 10 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
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210 State Street Charlevoix, MI 49720
planner@charlevoixmi.gov
(231) 547-3265

UGLY DUCKLING

1209 BRIDGE ST
CHARLEVOIX, MI

BRUCE LOCKMAN

No.	Description
0	OWNER REVIEW
1	ZONING REVIEW
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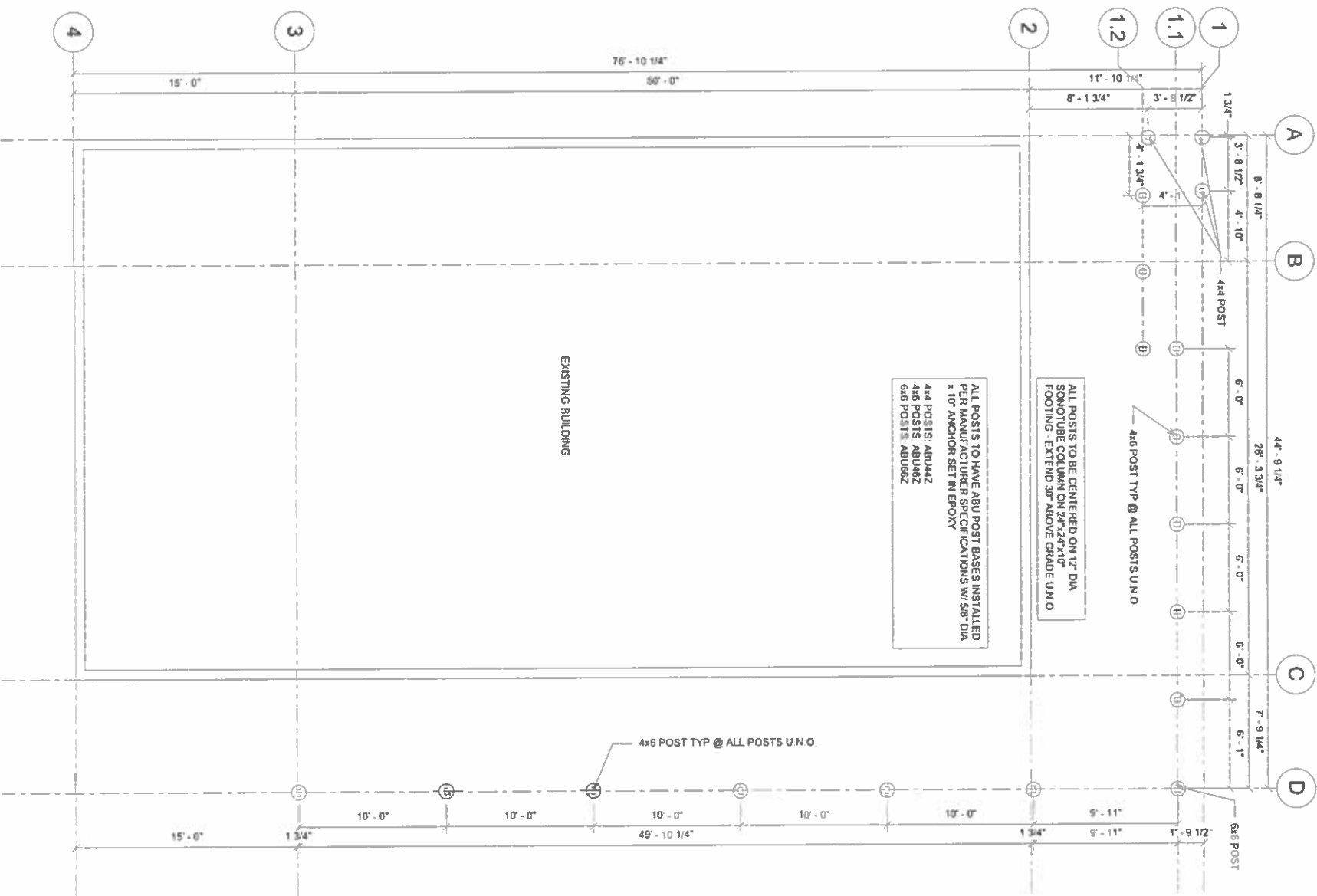
PROJECT NUMBER _____
DATE _____

DESIGNED BY _____

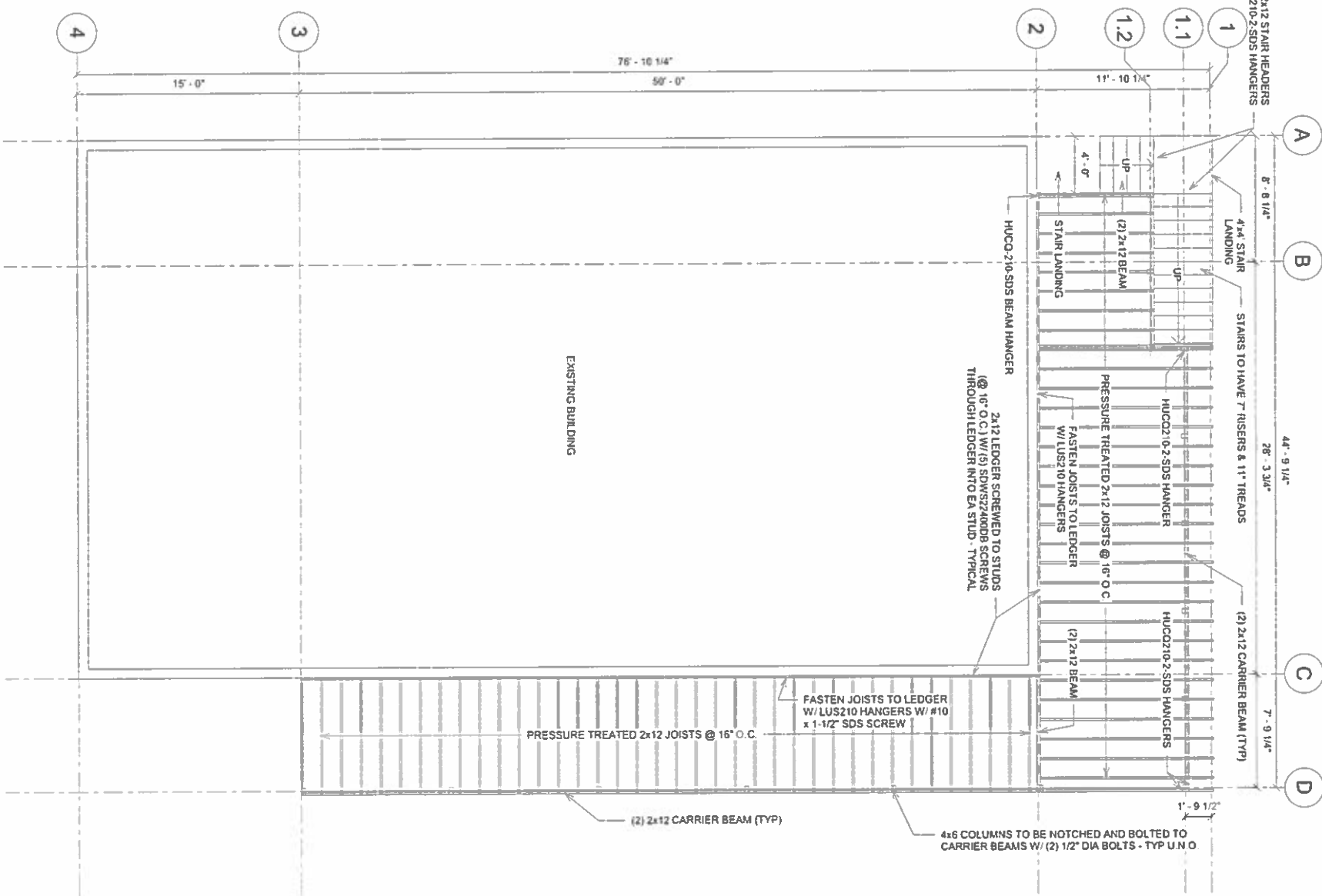
DRAWN BY _____

CHECKED BY _____

1 FOUNDATION PLAN
3/16" = 1'-0"



2 DECK FRAMING PLAN
3/16" = 1'-0"





OFFICE OF PLANNING AND ZONING
Jonathan Scheel, Director of Planning and Zoning
210 State Street Charlevoix, MI. 49720
planner@charlevoixmi.gov
Phone: (231)547-3265

**ZONING BOARD OF APPEALS
STAFF REPORT**

AGENDA ITEM: **ZBA 24-02 Variance Request for 1209 Bridge Street.**
PUBLIC MEETING DATE: August 21, 2024, 6:00 PM
PRESENTED BY: Jonathan Scheel, Director Planning and Zoning

EXHIBITS:

1. **Notifications**
2. **Variance application dated 6-15-2024**
3. **Boundary survey**
4. **Site plan, and building plan w/ elevations**
5. **City of Charlevoix Zoning Ordinance, adopted 7-1-2024.**

1. PROPOSAL

The applicant is requesting a variance for parcel ID 052-369-038-00 from §153.087 of the City of Charlevoix Zoning Ordinance which defines the dimensional requirements in the Commercial Mixed Use Zoning District. The variance requested is a 9'6" interior side setback variance and a 1'10" interior side setback. The dimensional standards in the CM District are:

Front yard setback	15 feet	Interior Side yard setback	10 feet
Rear yard setback	20 feet	Street side setback	15 feet
Minimum Lot Size	9,000 sq ft		

The purpose of this Staff Report is to evaluate this proposal against the procedures and criteria outlined in Chapter 153.038 of the City of Charlevoix Zoning Ordinance, adopted July 1, 2024.

2. BACKGROUND

The variance application was submitted on June 15, 2024. The notice of public hearing was published in the Charlevoix *Courier* on June 21, 2024, and mailed to 30 property owners within 300 feet of this parcel on June 19, 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 1209 Bridge Street. The tax description is: "Lot 38 of Mason's Second Addition to Charlevoix Except North 46.71 Feet" The parcel has dimensions of 85' x 60, with an area of 5,100 square feet.



Aerial imagery obtained from Charlevoix County website 7-10-2024



Aerial imagery obtained from Google Earth 7-10-2024



*Photos of 509 Newman Street project area
Taken 8/1/2024.*

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 not be enclosed and/or have walls or a roof.

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) Deck/stair request, 9’6” interior side setback variance at 1209 Bridge Street
- #2) Deck/stair request, 1’10” interior side setback variance at 1209 Bridge Street

1. The subject parcel 052-369-038-00 is zoned Commercial Mixed Use.
2. According to Charlevoix County Records, the subject parcel is owned by Kelli and William Lockwood III
3. The subject parcel and structures were established prior to current City Zoning
4. The subject property is 5,100 sq feet and is a corner lot at the NW intersection of Green Street and Bridge Street.
5. The subject property is substantially smaller than most other lots in the CM District which average at 6,700 sq ft
6. The side yard setback for Commercial Mixed Use is 10 feet.
7. The existing primary structure is legal non-conforming built within 6” of the property line on the west side and within 1’8” to the south property line.
8. The owner proposes to build an attached deck with stairs to give access to a second story residential unit.

§ 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. (The Zoning Administrator has written potential Findings of Fact to address the conditions below.)

- (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&2

The ZBA finds that the need for the requested variance is due to unique circumstances regarding the property. The minimum lot size is 9,000 sq ft and the lot is substantially smaller (5,100 sq ft) than most lots in the CM District averaging 6,700 sq ft. 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 remaining yard, which substantially reduces the property's buildable area.

Finding of Denial - #1&2

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 &2

The ZBA finds that this standard is met as a result of the existing legal nonconforming structure would not be considered large with a foot print of 2,400 sq feet. There is very little ability to expand within the current setback regulations and because of ordinance regulations, no ability to put a staircase in the front yard. The nonconforming primary structure is built on the west property line and less than 8' from the front setback.

Finding of Denial - #1 &2

The ZBA finds that the request for an allowed use of a residential unit access into current setbacks is unreasonable 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)

(d)

Finding of Approval - #1 &2

The ZBA finds that the request will be of minimal impact and similar to existing businesses on adjacent lots in the neighborhood. The ZBA finds

that the request meets this standard as the proposed open deck will not have a negative impact on the adjacent property owner or the neighborhood.

Because of the design of the deck and the amount and maturity of existing vegetation.

Finding of Denial - #1 &2

The ZBA finds that the deck/staircase addition will have a detrimental effect on light and air circulation to the neighboring property.

- (e) 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 &2

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 &2

The ZBA finds that the deck/staircase addition will have a detrimental effect on light and air circulation to the neighboring property.

- (f) 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 &2

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

Finding of Denial - #1 &2

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 24-02 for 1209 Bridge Street:

1. Deny project ZBA 24-02 based on specific findings of fact that prove the project does not meet the review standards in 153.038 (F).
2. Approve project ZBA 24-02 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 24-02 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 24-02.



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

Permits Issued in 2024

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

<u>By month</u>	<u>By type</u>
January6	Banner permits30
February4	Fence permits12
March10	Sidewalk café/use9
April20	Sign5
May18	Zoning.....20
June.....15	Use.....3
July.....8	Parcel Division.....2
August	
September.....	
October.....	
November.....	
December	

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

Central Business District (CBD).....4
Commercial Mixed (CM).....2
General Commercial (GC)1
Industrial
Marine Commercial (MC)1
Residential Private Club (PC)
Public Facilities
R-114
R-215

Level A Site Plan Administrative Review

None

Level B Site Plan Reviews / Special Use Permits

None

Variances to Zoning Board of Appeals

Other activities