

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