



Agenda
City of Charlevoix Zoning Board of Appeals Regular Meeting
Wednesday, August 27, 2025 - 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 from**
 - A. Minutes from August 21, 2024
- 6. Election of Officers**
- 7. New Business**
 - A. Public Hearing for Case 25-01 115 W Hurlbut
 - 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. Public Hearing for Case 25-02 403 Antrim Street
 - C. Public Hearing for Case 25-03 405 Antrim Street
- 8. Old Business**
- 9. Meeting Dates 2025**
 - A. Proposed meeting dates 2025
- 10. Public Comment on items not related to the Agenda**
- 11. 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.

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

1. Call to Order

Chair Hodgson called the meeting to order at 6:00 p.m.

2. Roll Call/Pledge of Allegiance

Chair: Richard Hodgson

Members Present: Shirley Gibson, Ann Gorney, Dan Reed (Alternate)

Members Absent: Tim Kish, Patrica Miller

Staff Present: Jonathan Scheel, Zoning Administrator

3. Inquiry Regarding Conflicts of Interest

4. Approval of Agenda

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

Motion passed by unanimous voice vote.

5. Approval of Minutes

A. April 17, 2024

Motion by Member Gorney, seconded by Member Gibson to approve the minutes of April 17, 2024 as presented.

Motion passed by unanimous voice vote.

6. Old Business

7. New Business

A. Public Hearing for Applicant William and Kelli 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

Staff presentation: Director Scheel stated the applicants were requesting a variance for parcel ID 052-369-038-00 from Subsection 153.087 of the 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 site's address is 1209 Bridge Street. The parcel has dimensions of 85' x 60', with an area of 5,100 square feet. The applicant is proposing constructing a residential unit upstairs which is a use by right in the Commercial Mixed Use District. The variance is for the deck and staircase. The legal, non-conforming building was built long before zoning regulations were in place. This is a corner lot on Bridge and Green Streets with two front yards and two side yards.

Applicant presentation: William Lockwood, III, stated he and his wife, Kelli Lockwood, purchased the building in 2016, and they intend to add living quarters upstairs. Mr. Lockwood stated they were looking to keep the parking they had available for the retail downstairs and if they did not get the variance, it would impact their parking. Mr. Lockwood stated they were looking to potentially have two (2) residential units upstairs.

Call for public comment: Phil Parr, concerned citizen, 108 Green Street, stated he had three questions based on the zoning variance: 1) because of the zero lot line would this Board enforce the applicant to add a privacy fence based on the zero lot line; 2) is there already a residential dwelling space upstairs?; and 3) is the residential space going to be used as a short-term rental?

Peggy Wenzel, 104 Wood Street, instead of having an overhang for the stairway at the front of Green Street, could they not have the stairway go up through the deck itself. Director Scheel explained the drawings included in the packet that showed the location of the staircase in the back corner.

Director Scheel stated Sherry Hammond, 101 Green Street (direct adjacent neighbor) came into the office with her concerns about this project, and she wanted him to relay those concerns to the Board including: the need for a privacy fence between the two properties, a fence where the staircase would be, and she doesn't believe there is a hardship for the variance and that it should stay 10' away from the property line, and she was worried about parking. Director Scheel stated there were some A/C units that came out of that building even further onto her property, but again it's legal, non-conforming.

Sherry Hammond, 101 Green Street, stated that on the west side of the building there are two cameras in place, one on each end of the house that do show that they are on her front door and she is still building on her property, but she felt the cameras were an invasion of her privacy. Chair Hodgson stated that he could sympathize, but it was not relevant to the variance request. Ms. Hammond stated she wanted to pursue this because she wanted the cameras taken down.

Member Gibson stated the applicant mentioned they have windows upstairs. Mr. Lockwood stated the windows were on the back side of the building and in 1998 there was a cap built over the building. Mr. Lockwood further explained the building had 2' x 4' walls from the ground up and at that time the back wall was put on their property and two air conditioners were placed on the ground, the units serve the downstairs store area. Mr. Lockwood stated they use the attic for storage, and they have one window air conditioner on the upper floor. Mr. Lockwood stated the cameras are in place to monitor their air conditioners, and he could adjust the

cameras to block out anything other than their back wall and air conditioners.

Member Reed asked the applicant to explain more about how putting the deck with the posts out in front improves parking. Kelli Lockwood stated the design of the deck and the placement of the posts was to facilitate the parking that presently exists. Ms. Lockwood stated it was professionally designed, so the spacing would allow for the parking that they have now. Ms. Lockwood stated if they were unable to get the variance, the design would have to be in such a way that it would inhibit parking, which would increase parking on Green Street. Ms. Lockwood stated the way the deck is designed with the variance would allow them to retain the existing parking, it would not limit the parking spaces in the parking lot itself.

Discussion followed regarding the parking situation with the variance which would allow parking under the new deck in between the posts.

Member Reed questioned how they accessed the storage upstairs from the interior of the building. Mr. Lockwood stated they have a hatch that they climb through to go upstairs.

Laurie Azolas, 103 Green Street, referenced the french doors on the building where the stairway to the upstairs would be placed.

Sherry Hammond, 101 Green Street, stated her future plans included adding a driveway on that side of her house and if there were going to be apartments on the subject property she did not want the business on her side and the wooded area would be removed.

ZBA determination of findings of fact: Chair Hodgson began a review of each of the findings of fact. The applicant is requesting two interior side setback variances - one at 9'6" and the second one at 1'10".

(a) Extraordinary circumstances: Member Reed stated he was not sure if the second variance at 1.10' was the result of narrowness of the property. Member Reed stated that the lot had little to do with the property as to where the posts were constructed and has everything to do with the width of the car, so that variance was not really the result of where the property lines were or the size of the building, and it had everything to do with the car and how they could park it underneath. Chair Hodgson stated he thought that issue would come up under (b) Substantial justice. Director Scheel explained some of the challenges, with a small lot below the average lot size in the Commercial Mixed Zoning district.

Member Gibson stated she disagreed and that the property was not unusual without granting this variance, and they could still use the property. Chair Hodgson stated that concern fell under a different finding of fact.

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, average 6,700 sq. ft. The ZBA finds that this standard is met as a result of the existing legal non-conforming lot length and area leaves very little room in the remaining yard, which substantially reduces the property's building area. The building is also legal, non-conforming.

Substantial Justice.: Member Gorney stated she did not see that the 9'6"" would unreasonably prevent the use of the property. Member Reed questioned if it was substantial justice to eliminate a parking spot that they would presumably need for living or business. Member Gorney stated that the posts were 6' apart on the north end of the building and the deck overhangs farther than the posts. Chair Hodgson read language from the Zoning Code: "No non-conforming building or structure may be enlarged or altered in a way that increases its non-conformity except in cases in which the setback of the building or structure is non-conforming by 50% or less of the distance required by this chapter. Only in these cases may the non-conforming setback be extended along the same plane as the existing non-conforming setback provided that in doing so the setback itself is not further reduced." Chair Hodgson stated, per the Code, the Board could not increase the non-conformity of a property. Member Reed stated there would not be the same utilization of the property in the sense that real estate is going to be reduced with a solution that reduces or eliminates the variance.

Discussion followed regarding whether parking was something the Board should consider.

Chair Hodgson questioned if he articulated correctly that the variance request #1 didn't pass because it could be less and the conflict with the Code on increasing a non-conformity. Chair Hodgson stated that variance request #2 was the same, but without the conflict with the Code, because a similar result could be accomplished without a variance.

Motion by Member Gibson, seconded by Member Reed to deny Project ZBA 24-02 a 1'10" interior side setback variance based on specific findings of fact that prove the project does not meet the review standards in 153.038 (F)(2)(b).

Motion passed by unanimous voice vote.

Motion by Member Gibson, seconded by Member Reed to deny project ZBA 24-02 a 9'6" interior side setback variance based on specific findings of fact that prove the project does not meet the review standards in 153.038(F)(2)(b).

Motion passed by unanimous voice vote.

8. Other

A. Zoning Administrator's Report

Director Scheel provided the Board with a brief update on the current projects throughout the City.

9. Public Comment

10. Adjourn

Chair Hodgson adjourned the meeting at 7:20 p.m.

Sarah J. Dvoracek/fgm City Clerk

Richard Hodgson Chair

Charlevoix Zoning Board of Appeals

New Business

Title: Public Hearing for Case 25-01 115 W Hurlbut

Date: August 27, 2025

Presented By: Jonathan Scheel, Director of Planning & Zoning

Background:

The applicant is proposing constructing a two-story addition to the existing single-story legal non-conforming structure. The structure has had many uses over the years, most recently used as a school. The front of the building is currently not being used. The rear of the building, which is constructed differently and is not proposed to change, is being used as an indoor sports complex. Because the existing structure is built on two property lines, front and a side, any additions, footprint or height would need a variance. The existing parking area is also legal nonconforming as it is in the setbacks which is not allowed in the Commercial Mixed Use District.

Recommendation:

Attachments:

1. Application
2. 25-01 Staff Report 115 W Hurlbut.



August 5, 2025

NOTICE OF PUBLIC HEARING

Zoning Board of Appeals

Charlevoix City Hall - Council Chambers 2nd Floor
210 State Street, Charlevoix, MI 49720

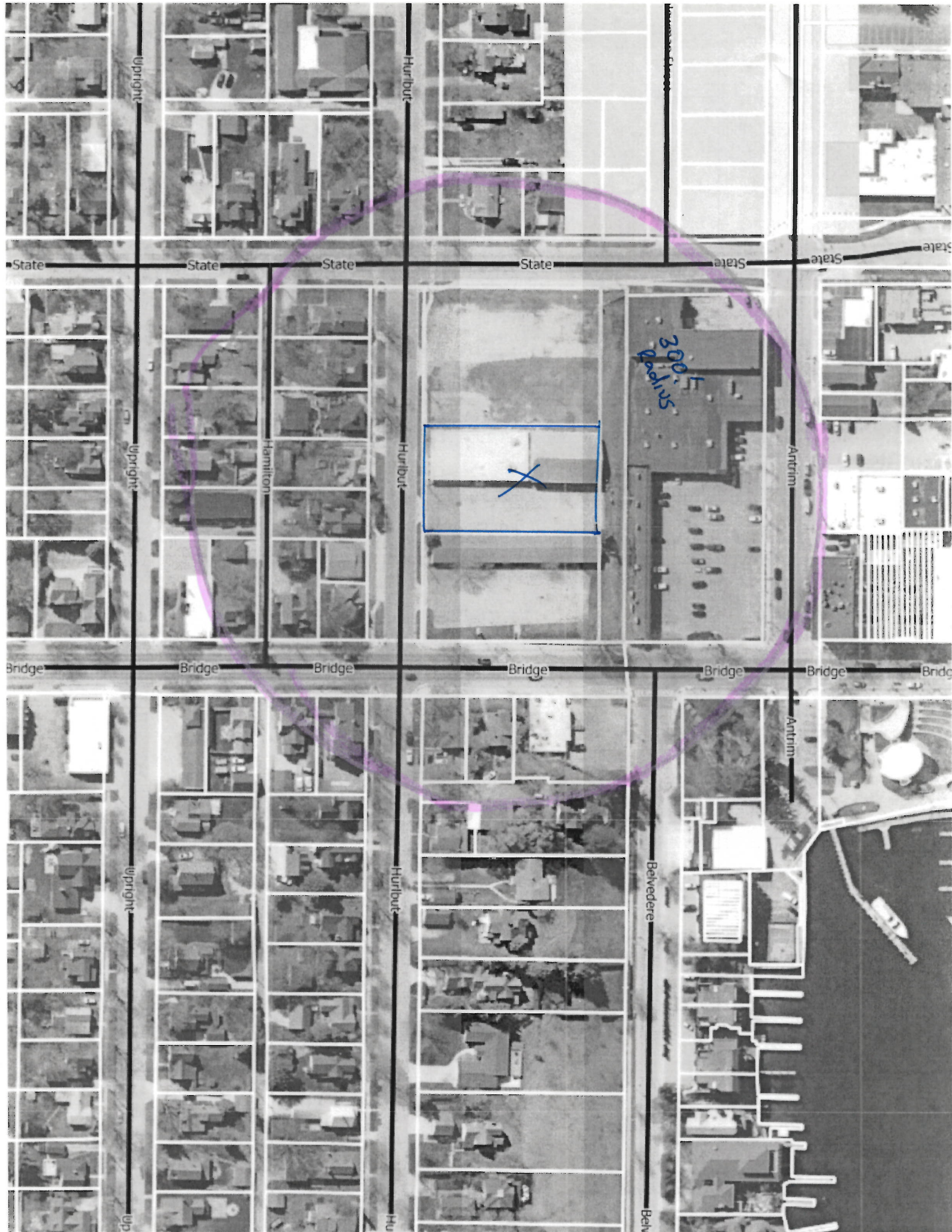
Case Number: 25-01 ZBA
Parcel #: 052-361-002-00
Applicant: Paul Silva
Property Address: 115 W. Hurlbut
Property Owner(s): 115 W Hurlbut LLC

The City of Charlevoix Zoning Board of Appeals will hold a public hearing on Wednesday, August 27, 2025, at 6 pm in the Charlevoix City Hall Council Chambers to evaluate a variance application for multiple dimensional variances for an existing nonconforming structure at 115 W. Hurlbut. The applicant is requesting an interior side setback variance of 10 feet, a front yard setback variance of 15 feet, a rear yard setback variance of 4 foot 4 inches and a height variance of 4 feet from the requirements defined in §153.087 of the Zoning Ordinance. Also, the applicant is requesting a variance from off-street parking side yard and rear setbacks 153.189(A)(1) and relief from 153.293 A(1), expansion of a non-conforming structure.

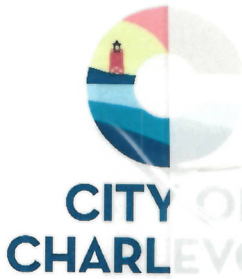
The property is zoned Commercial Mixed Use. The application proposes the addition of a second and third story to the existing primary structure. The Board of Appeals may approve, approve with reasonable conditions, or deny the application based on specific findings of fact.

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



owner	address	city	state	zip	propadd	propstreet	propcity
HENNINGER MATTHEW & MORGAN TRUST	212 W HURLBUT	CHARLEVOIX	MI	49720	506	STATE ST	CHARLEVOIX
MILLER MICHAEL A & SUSAN E	109 W UPRIGHT AVE	CHARLEVOIX	MI	49720	109	UPRIGHT AVE W	CHARLEVOIX
ROMANO DARREN V & KELLY M LIV TRUST	1115 BEACON ST	CHARLEVOIX BLOOMFIELD	MI	49720	107	UPRIGHT AVE W	CHARLEVOIX
HOWARD DEREK J	2173 RANDALL LN	HILLS	MI	48304	105	UPRIGHT AVE W	CHARLEVOIX
PLUMB CRAZIER LLC	103 UPRIGHT AVE W	CHARLEVOIX	MI	49720	103	UPRIGHT AVE W	CHARLEVOIX
KIB REAL ESTATE LLC	707 BRIDGE ST	CHARLEVOIX	MI	49720	705	BRIDGE ST	CHARLEVOIX
SHINDORF MATTHEW	212 UPRIGHT ST W	CHARLEVOIX	MI	49720	110	HURLBUT AVE W	CHARLEVOIX
IKENS K 1/3 INT; MILLER T 1/3 INT;	108 HURLBUT AVE W	CHARLEVOIX	MI	49720	108	HURLBUT AVE W	CHARLEVOIX
HEDGES MICHAEL S	106 HURLBUT AVE W	CHARLEVOIX	MI	49720	106	HURLBUT AVE W	CHARLEVOIX
HURLBUT 105 LLC	4841 MOUNTAIN POINT LN	CHARLOTTE	NC	28216		HURLBUT AVE W	CHARLEVOIX
115 W HURLBUT LLC	123 LAKE SHORE RD	GROSSE POINTE	MI	48236	115	HURLBUT AVE W	CHARLEVOIX
HURLBUT 101 LLC	4841 MOUNTAIN POINT LN	CHARLOTTE	NC	28216	101	HURLBUT AVE W	CHARLEVOIX
WIELAND JANNA	102 BELVEDERE AVE	CHARLEVOIX	MI	49720-1148	102	BELVEDERE AVE	CHARLEVOIX
GLUCK LLC	100 BELVEDERE AVE	CHARLEVOIX	MI	49720	100	BELVEDERE AVE	CHARLEVOIX
BOUSLOUGH DAVID & MARIA	17049 BECK RD	CHARLEVOIX	MI	49720	604	BRIDGE ST	CHARLEVOIX
LARUSSA JOSEPH V & KARA J	3609 NETTLE PL	FALLBROOK	CA	92028	602	BRIDGE ST	CHARLEVOIX
OSTLING LINDA C	101 HAMPTON	CHARLEVOIX	MI	49720	405	STATE ST	CHARLEVOIX
OLESON LAND COMPANY LLC	PO BOX 72	TRAVERSE CITY	MI	49685-0072	100	ANTRIM ST	CHARLEVOIX
SELPHISH PROPERTIES LLC	214 ANTRIM ST	CHARLEVOIX	MI	49720	201	HURLBUT AVE W	CHARLEVOIX
SELPH TIMOTHY I & LEAH M	403 STATE ST	CHARLEVOIX	MI	49720-1315	403	STATE ST	CHARLEVOIX
BING PROPERTIES LLC	12796 PINERIDGE	CHARLEVOIX	MI	49720	204	NEWMAN ST	CHARLEVOIX
BING PROPERTIES LLC	12796 PINERIDGE	CHARLEVOIX	MI	49720	401	STATE ST	CHARLEVOIX
OCHS MICHAEL	104 HURLBUT AVE W	CHARLEVOIX	MI	49720-1310	104	HURLBUT AVE W	CHARLEVOIX
B&S RENTAL LLC	4589 GREENWOOD RD	PETOSKEY	MI	49770	703	BRIDGE ST	CHARLEVOIX
KACZMAREK PROPERTIES LLC	4013 HILLSDALE DR	AUBURN HILLS	MI	48326-4305	102	HURLBUT AVE W	CHARLEVOIX
COMMUNITY FOOD PANTRY	101 STATE ST	CHARLEVOIX	MI	49720	100	HURLBUT AVE W	CHARLEVOIX
BVA PROPERTIES LLC	701 BRIDGE ST	CHARLEVOIX	MI	49720-1419	701	BRIDGE ST	CHARLEVOIX



CITY OF CHARLEVOIX

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

CITY OF CHARLEVOIX
210 STATE STREET
CHARLEVOIX, MI 49720
United States
Phone : (231) 547-3261
E-Mail : RECEIPTCLERK@CHARLEVOIXMI.GOV
CHARLEVOIXMI.GOV

Received from:
Date: 08/04/2025
Receipt: 0000056343
Time: 1:09:00 PM

ITEM REFERENCE	AMOUNT
412 Zoning Appeals	\$350.00
115 HURLBUT	\$350.00
TOTAL	\$350.00
Check 206	\$350.00
Total Tendered:	\$350.00
Change:	\$0.00

VARIANCE APPLICATION

Paul Silva 115 W. Hurlbut
 Applicant Address of subject property
Gross Pointe, MI 48236
 Address (City/State/Zip) _____
 Property Owner Name (If different than applicant) _____
 Property Owner Address (City/State/Zip) (If different than address of subject property) _____
 Property Owner Phone (248) 705 - 5969 Email paul@spmliving.com
 Agent Phone _____ Email _____
 Current Zoning of subject property: Commercial Mixed-Use (CM)
 Current Use of Property: (Example: Single Family, Duplex, Apartments, Commercial)
Private Education Academy and Indoor Recreation
 Date of original construction (If known): 1996

Please describe the type of construction or proposed use for a use variance:
Multi-Family Residential and Commercial Recreation

Dimensions of proposed construction excluding eaves: 117'-4" x 63'-0"

Total square footage of proposed construction: 13,800 sq.ft.

Height of proposed construction to the top of the roof: 44'-0"

Height of proposed construction to the midpoint of the roof for gabled roof: 29'-0"

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

Variance Requested: Front Yard Setback 0' feet from front property line.

Rear Yard Setback 15'-8" feet from front property line.

Side Yard Setback 0' 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?

(See Attached Letter)

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

Include all of the following:

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

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

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

Signed: _____

Date: 7/17/25



July 8, 2025

Mr. Jonathan Scheel
Zoning Administrator
City of Charlevoix

Re: Variance Request(s) for 115 Hurlbut Ave.

Dear Jonathan,

On behalf of the owner of the above noted property, this note is a request for variance relief from the ordinance as it pertains to three issues: building setbacks from the property line, building height, and parking within setbacks.

Setbacks

Per Table 153.087, the required setbacks for the subject parcel, located in a Mixed-Commercial District, are as follows: Front - 15 feet, Side (interior) - 10 feet, Rear – 20 feet. The existing building sits on the side (west) and front (south) property lines. The owner is requesting approval to add two additional stories and gable roof to the existing legal non-conforming, one-story structure within the same plane(s) as the existing exterior walls. However, Paragraph 153.293 A, 1 of the Ordinance prohibits increasing the building's non-conformity.

We are seeking relief from this restriction based on the fact that the existing building sits on the property line(s) and the building structure will not support new walls being set in from the existing exterior bearing walls. While erecting the new walls inside the setbacks on the upper floors would comply, the structural modifications required do to so are not practical. As such, we are requesting the following setback variances: Front – 15', Side – 10', and Rear – 4'-4".

Building Height

Per Table 153.087, the building height on the subject parcel, located in a Mixed-Commercial District, is restricted to 35 feet. The proposed building height is 39' to the mid-point of the proposed gable roof.

We are seeking relief from the height restriction in asking for an additional 4 feet of height as defined in the Ordinance. This request is based on the following:

1. The existing main level floor to roof distance is 14 feet. We plan to convert the existing roof to the second floor. The resulting first to second floor distance of 14 feet is greater (+ 3.5 feet) than would be expected if the building were being designed and built as a new structure.

2. Rather than designing and building flat roof, the owner is requesting a pitched roof on the proposed vertical addition to mimic the existing pitched roof on the adjacent (attached) single tory structure. The owner believes that the complementary pitched roofs will offer a better appearance when viewed from the Central Business District to the north. Measuring the building height to the mid-point of the gable roof in lieu of the top of a flat roof alternative, increases the height \pm 3.5 feet.

Parking Within the Setbacks

With the change in use of the building, the existing parking configuration violates section 153.189, paragraphs 1 and 2 of the city ordinance in that the parking lot extends into the front, side, and rear yard setbacks. The owner is requesting the city approve continued use of the parking area in its current non-conforming configuration.

We appreciate the city considering these matters and look forward to receiving clarification. Feel free to contact us if you need any additional information.

Regards,



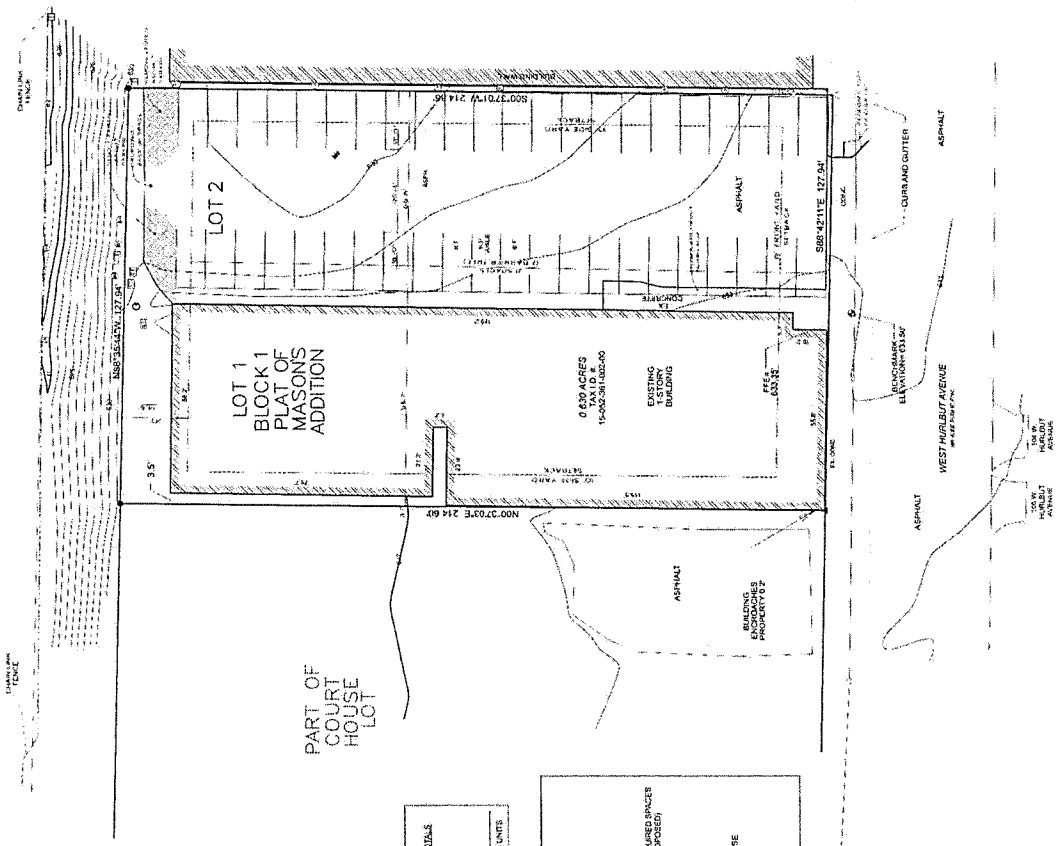
Michael Pattullo, AIA
President

TOPOGRAPHICAL SURVEY

LOTS 1 AND 2, BLOCK 1, OF MASONS ADDITION TO THE
 COURTHOUSE PLAT OF THE EAST HALF OF THE
 NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF
 SECTION 26, TOWN 34 NORTH, RANGE 8 WEST
 CHARLEVOIX COUNTY, MICHIGAN



PREPARED FOR: CHAMBERLAIN ASSOCIATES, INC.
 199 PLYMOUTH STREET, CHARLEVOIX, MICHIGAN 49739
 PREPARED BY: FERGUSON & CHAMBERLAIN ASSOCIATES, INC.
 199 PLYMOUTH STREET, CHARLEVOIX, MICHIGAN 49739
 DATE: 05/25/2010
 PROJECT NO: 1000000
 SHEET NO: 27 OF 31
 SURVEY NO: 112718
 PROPOSED 11431 SF
 LOT COVERAGE: 47%
 BUILDING FOOTPRINT: 11271 SF
 EXISTING: 11271 SF
 PROPOSED: 11431 SF
 LOT COVERAGE: 47%
 ZONING CLASSIFICATION: DT-MIXED COMMERCIAL



SITE PLAN
 1" = 20'

PROPOSED RESIDENTIAL UNIT COUNT DATA	EXISTING	STUDIO	TOTALS
1ST	4	7	11
2ND	5	2	7
3RD	5	2	7
TOTAL	14	11	25 UNITS

PROPOSED RESIDENTIAL UNITS	EXISTING	TOTALS
1ST	12	15
2ND	8	1
3RD	7	5
TOTAL	27	21

26.5 * REQUIRED SPACES PROPOSED

AVAILABLE ON-SITE PARKING: 43 SPACES - INCLUDING 2 HANDICAPPED SPACES AS REQUIRED BY CODE

27 RESIDENTIAL SPACES

15 ON-SITE SPACES AVAILABLE FOR COMMERCIAL USE

* ADJACENT ON-STREET PARKING AS DETERMINED BY CITY

** ADJACENT ON-STREET PARKING AS DETERMINED BY CITY (AS SHOWN IN 2)

NOT FOR CONSTRUCTION
 FOR BID PURPOSES ONLY

1. This drawing is the property of the undersigned and shall remain confidential. It is not to be used for any other purpose without the written consent of the undersigned.

- LEGEND & NOTES:
1. UNIMPROVED AND UTILITIES AND UTILITIES
 2. EXISTING AND PROPOSED BUILDINGS
 3. EXISTING AND PROPOSED DRIVEWAYS
 4. EXISTING AND PROPOSED DRIVEWAYS
 5. EXISTING AND PROPOSED DRIVEWAYS
 6. EXISTING AND PROPOSED DRIVEWAYS
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 18. EXISTING AND PROPOSED DRIVEWAYS
 19. EXISTING AND PROPOSED DRIVEWAYS
 20. EXISTING AND PROPOSED DRIVEWAYS



CHAMBERLAIN ASSOCIATES, INC.
 199 PLYMOUTH STREET
 CHARLEVOIX, MI 49739

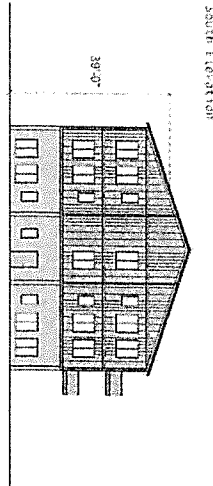
DATE: 05/25/2010

PROJECT NO: 1000000

SHEET NO: 27 OF 31

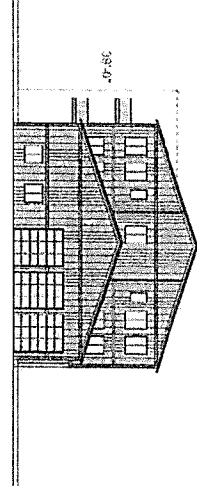
FERGUSON & CHAMBERLAIN ASSOCIATES, INC.
 PROFESSIONAL SURVEYORS
 199 PLYMOUTH STREET, CHARLEVOIX, MICHIGAN 49739
 LICENSE NO. 112718
 CHAIRMAN: FERGUSON & CHAMBERLAIN ASSOCIATES, INC.

SP-1.0



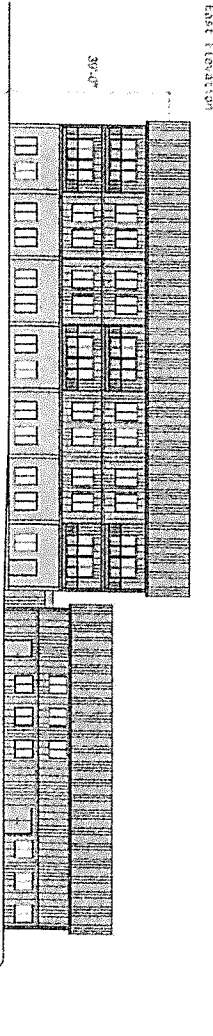
SOUTH ELEVATION

39'-0"



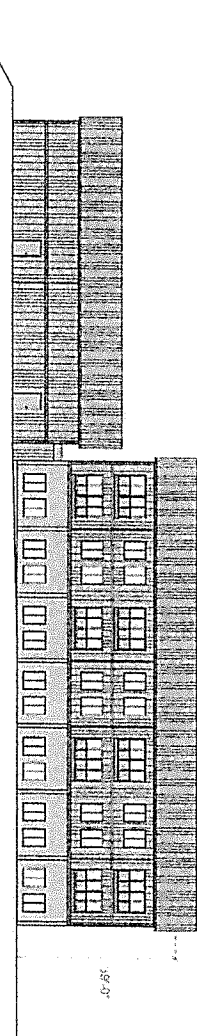
NORTH ELEVATION

38'-0"



EAST ELEVATION

39'-0"



WEST ELEVATION

38'-0"

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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 25-01 Variance Request for 115 W Hurlbut**
PUBLIC MEETING DATE: August 27, 2025, 6:00 PM
PRESENTED BY: Jonathan Scheel, Director Planning and Zoning

EXHIBITS:

1. **Notifications**
2. **Variance application dated 7-17-2025**
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 is proposing adding two residential stories to an existing legal nonconforming building at 115 Hurlbut, parcel ID 052-361-002-00. The variances requested are

- #1) a 10’ interior west side setback variance
- #2) a 15’ front yard setback variance
- #3) a 4’ 4” rear setback variance
- #4) an expansion of a non-conforming structure
- #5) a 4’ maximum height variance
- #6) an off-street parking side yard variance
- #7) an off-street parking rear setback variance

Section 153.087 of the City of Charlevoix Zoning Ordinance defines the dimensional requirements in the Commercial Mixed Use Zoning District. The dimensional standards in the CM District are:

Front yard setback15 feet	Interior Side yard setback.....10 feet
Rear yard setback20 feet	Street side setback15 feet
Minimum Lot Size.....9,000 sq ft	Maximum height..... 35 feet

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 July 17, 2025. The notice of public hearing was published in the Charlevoix *Courier* on August 1, 2025, and mailed to property owners within 300 feet of this parcel on August 1, 2025.

The Zoning Administrator reviewed this proposal. Public works and the Electrical Department were asked for input on this project. No issues were raised.

3. SITE

The subject property is located at 115 W. Hurlbut. The tax description is: “Lots 1 & 2 of Mason’s Addition to Charlevoix. The parcel has dimensions of 128’ x 214.5, with an area of 27,456 square feet.



Aerial imagery from Charlevoix County Website 7/29/2025



Aerial imagery obtained from Google Earth 7-28-2025



4. STAFF ANALYSIS

Staff wrote proposed Findings of Fact that the ZBA will have to evaluate and make their decisions based on those proposed facts.

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 August 27, 2025, the role of the ZBA is to adopt 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) request, 10’ interior west side setback variance at 115 W Hurlbut
- #2) request, 15’ front setback variance at 115 W Hurlbut
- #3) request, 4’ 4” rear setback variance at 115 W Hurlbut
- #4) request, 153.293 A(1), expansion of a non-conforming structure
- #5) request, 4’ maximum height variance at 115 W Hurlbut
- #6) request, off-street parking side yard variance
- #7) request, rear setback variance

1. The subject parcel 052-361-002-00 is zoned Commercial Mixed Use.
2. According to Charlevoix County Records, the subject parcel is owned by 115 W Hurlbut LLC
3. The subject parcel and structures were established prior to current City Zoning
4. The subject property is two platted lots and is 27,456 sq feet
5. The side yard setback for Commercial Mixed Use is 10 feet, 15 feet front and 20 feet rear.
6. The maximum height for Commercial Mixed Use is 35 feet
7. The existing primary structure is legal non-conforming built on the west side and front property line and within 16 feet to the north/rear property line.
8. The owner proposes building second and third story residential units which are an allowed use by right.
9. The owner proposes using the existing nonconforming parking lot.

§ 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, 3 & 4

The ZBA finds that the need for the requested variance is due to unique circumstances regarding the property. The structure is a legal nonconforming building built prior to the zoning ordinance. The ZBA finds that this standard is met as a result of the existing legal nonconforming structure with the remaining lot being needed for parking which substantially reduces the property's buildable area.

Finding of Denial - #1, 2, 3 & 4

The ZBA finds that the lot is sufficient size to accommodate the development without the need for variances.

- (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, 3 & 4

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 12,000 sq feet. There is not a maximum lot coverage in the CM district. The nonconforming primary structure is built on two property lines. The adjacent property also has its structure on the property line

Finding of Denial - #1, 2, 3 & 4

The ZBA finds that the property currently is being used for commercial purposes and can be used for residential purposes without the need for variances,

- (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, 2, 3 & 4

The ZBA finds that the request will be of minimal impact to similar adjacent lots in the neighborhood. The ZBA finds that the request meets this standard as the proposed addition will not have a negative impact on the adjacent property owner or the neighborhood. The property to the east also has a structure built close to or on the property line.

Finding of Denial - #1, 2, 3 & 4

The ZBA finds that a two story addition could have a detrimental effect on the neighboring property to the west, with its large scale that could dominate the front street side and west side yard.

- (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, 2, 3 & 4

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, 3 & 4

The ZBA finds that the two story addition may have a future detrimental effect on light and air circulation to the neighboring property.

- (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, 2, 3 & 4

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, 3 & 4

None

- (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 - #5

The ZBA finds that the need for the requested variance is due to unique circumstances regarding the property. The structure is a legal nonconforming building built prior to the zoning ordinance. The ZBA finds that this standard is met as a result of the existing legal nonconforming structure built with extra tall first floor walls.

Finding of Denial - #5

The ZBA finds that there is not any exceptional conditions of the property to allow a height variance

- (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 - #5

None

Finding of Denial - #5

The ZBA finds that other properties in the area do not have additional height as a right

- (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 - #5

The ZBA finds that the request will be of minimal impact to adjacent lots in the neighborhood. The ZBA finds that the request meets this standard as the proposed addition will not have a negative impact on the adjacent property owner or the neighborhood.

Finding of Denial - #5

The ZBA finds that the additional height could have a detrimental effect on the neighboring property and the public sidewalk/ROW.

- (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 - #5

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

Finding of Denial - #5

The ZBA finds that the two-story addition may have a detrimental effect on light and air circulation to the neighboring property.

- (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 - #5

None.

Finding of Denial - #5

The ZBA finds that adding a two-story addition that does not meet the height requirements is self-created.

- (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 - #6 & 7

The ZBA finds that the need for the requested variance is due to unique circumstances regarding the property. The structure is a legal nonconforming building built prior to the zoning ordinance. The ZBA finds that this standard is met as a result of the existing legal nonconforming structure with the remaining lot being needed for parking which substantially reduces the area available for parking

Finding of Denial - #6 & 7

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 - #6 & 7

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 12,000 sq feet. The adjacent property also has legal nonconforming parking in the setback. CM district. The nonconforming primary structure is built on two property lines and also has parking in the setbacks

Finding of Denial - #6 & 7

None

- (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 - #6 & 7

The ZBA finds that the request will have no impact as the parking areas exist and there is no expansion of the parking areas.

Finding of Denial - #6 & 7

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 - #6 & 7

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

Finding of Denial - #6 & 7

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 - #6 & 7

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

Finding of Denial - #6 & 7

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 25-01 for 115 W Hurlbut:

1. Deny project ZBA 25-01 based on specific findings of fact that prove the project does not meet the review standards in 153.038 (F).
2. Approve project ZBA 25-01 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 25-01 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 25-01.

Charlevoix Zoning Board of Appeals

New Business

Title: Public Hearing for Case 25-02 403 Antrim Street

Date: August 27, 2025

Presented By: Jonathan Scheel, Director of Planning & Zoning

Background:

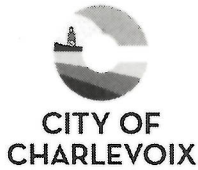
Two adjacent property owners at 403 and 405 Antrim Street with limited building area on each parcel would like to build a "shared" garage on their mutual property line in their rear and side yards. There are other garages on the block and on the street that are similar in nature, with one shared garage at 604 Park and 419 Antrim Street, with their garage entrances on Antrim Street, and also numerous garages on side property lines at 316, 303, 217, 216, and 213 Antrim Street. The rear yard of the applicant's property slopes upward, making it more difficult to construct the driveway and garage in their individual backyards.

Recommendation:

- 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

Attachments:

1. 403 antrim application
2. 25-02 Staff Report 403 Antrim
3. 403 comment



August 8, 2025

NOTICE OF PUBLIC HEARING

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

Case Number: Joint 25-02 and 25-03 ZBA
Parcel #: 052-256-002-50 and 052-256-003-50
Applicants: Ginny Schulz and David Hoffman
Property Address: 403 and 405 Antrim
Property Owner(s): Ginny Schulz and David Hoffman

The City of Charlevoix Zoning Board of Appeals will hold a public hearing on Wednesday, August 27, 2025, at 6 pm in the Charlevoix City Hall Council Chambers to evaluate a variance application for a dimensional variance at 403 and 405 Antrim. The applicants are requesting an interior side setback variance of 8 feet on each property, from the requirements defined in §153.087 of the Zoning Ordinance.

The properties are zoned Residential 2. The application proposes building a shared structure (garage) with the adjacent property owner. 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
planner@charlevoixmi.gov
(231) 547-3265

pin	owner	address	city	state	zip	propadd	propstreet	propunit	propcity	propstate	propzip
052-254-0	KORNMEIER BENJAMIN/MARON MARTA	317 ANTRIM ST	CHARLEVOIX	MI	49720	317	ANTRIM ST		0 CHARLEVC MI		49720
052-254-0	SIBINIC ALAN	310 ANTRIM ST W	CHARLEVOIX	MI	49720		ANTRIM ST		0 CHARLEVC MI		49720
052-254-0	JACOBSON ANDREW & COREY	3825 N PAULINA ST	CHICAGO	IL	60613	318	MASON ST		0 CHARLEVC MI		49720
052-270-0	CLAUCHERTY BURRELL S & CHRISTIAN	305 HIGHLAND DR	JACKSON	MI	49201	404	NEWMAN		0 CHARLEVC MI		49720
052-270-0	HURVITZ RUTH TRUST	3005 PARK HILL PLACE	WEST BLOOMFIELD	MI	48323	402	NEWMAN		0 CHARLEVC MI		49720
052-270-0	LEWIS LINDSAY K	401 SHERMAN ST	CHARLEVOIX	MI	49720	401	SHERMAN		0 CHARLEVC MI		49720
052-254-0	RILEY DENISE M	320 MASON ST	CHARLEVOIX	MI	49720-122	320	MASON ST		0 CHARLEVC MI		49720
052-256-0	YOUNG GAIL REVOCABLE TRUST	4962 COUNTRYSIDE DR	WEST BLOOMFIELD	MI	48323-276	411	ANTRIM ST		0 CHARLEVC MI		49720
052-255-0	PIERCE GREGORY A & LAURAL	403 MASON ST	CHARLEVOIX	MI	49720	403	MASON ST		0 CHARLEVC MI		49720
052-255-0	LANGEWEG SHALMIR LEE	410 PARK AVE	CHARLEVOIX	MI	49720	410	PARK AVE		0 CHARLEVC MI		49720
052-255-0	DANTUMA JAMES E & KAREN D	406 PARK AVE	CHARLEVOIX	MI	49720	406	PARK AVE		0 CHARLEVC MI		49720
052-255-0	PICOTTE DIANE M & WILLIAM J	401 MASON ST	CHARLEVOIX	MI	49720-126	401	MASON ST		0 CHARLEVC MI		49720
052-256-0	BBS RENTAL LLC	4589 GREENWOOD CHURCH RD	PETOSKEY	MI	49770	409	ANTRIM ST		0 CHARLEVC MI		49720
052-256-0	WESCOTT DENNIS M & BONNIE G	407 ANTRIM ST	CHARLEVOIX	MI	49720-12C	407	ANTRIM ST		0 CHARLEVC MI		49720
052-256-0	HOFFMAN DAVID D & ANN L	6130 WESTERN DR #37	SAGINAW	MI	48638	405	ANTRIM ST		0 CHARLEVC MI		49720
052-256-0	SCHULZ GINNY	PO BOX 153	CHARLEVOIX	MI	49720	403	ANTRIM ST		0 CHARLEVC MI		49720
052-256-0	BARTON BEVERLY A	401 ANTRIM ST	CHARLEVOIX	MI	49720	401	ANTRIM ST		0 CHARLEVC MI		49720
052-254-0	JORDAN JOHN EJR & DAWNNE	3305 PLUMB ST	HOUSTON	TX	77005	319	ANTRIM ST		0 CHARLEVC MI		49720
052-270-0	HUGHES JOHN TRUST	PO BOX 4162	TRAVERSE CITY	MI	49685	404	ANTRIM ST		0 CHARLEVC MI		49720
052-270-0	OAK TREE COMMUNICATIONS LLC	7568 WHITEHALL CIR WEST	WEST CHESTER	OH	45069	402	ANTRIM ST		0 CHARLEVC MI		49720
052-270-0	LEFT THOMAS G	322 ANTRIM ST	CHARLEVOIX	MI	49720-12C	322	ANTRIM ST		0 CHARLEVC MI		49720
052-256-0	CAMPFOY LLC	1052 NE 31ST TERRACE	OCALA	FL	34470	414	MASON ST		0 CHARLEVC MI		49720
052-270-0	WHITLEY GREGG W	10361 WEST SHORE DR	CHARLEVOIX	MI	49720-932	414	ANTRIM ST		0 CHARLEVC MI		49720
052-270-0	ZINN WILLIAM MICHAEL & JULIANNE	501 CREST AVE	ANN ARBOR	MI	48103-46C	412	ANTRIM ST		0 CHARLEVC MI		49720
052-270-0	CLOSE EDWARD S & MELISSA A	273 E FOREST AVE	ELMHURST	IL	60126	410	ANTRIM ST		0 CHARLEVC MI		49720
052-270-0	HOGAN S/GERRITSEN L 1/4 EA	29 MEDFIELD DR	ROCHESTER	NY	14609-30C	408	ANTRIM ST		0 CHARLEVC MI		49720
052-270-0	SMALL RICHARD L & MELISSA K	6725 ORINOCO CIRCLE	BLOOMFIELD HILLS	MI	48301-293	406	ANTRIM ST		0 CHARLEVC MI		49720
052-256-0	DOHERTY C MICHAEL & SHARON L	410 MASON ST	CHARLEVOIX	MI	49720	410	MASON ST		0 CHARLEVC MI		49720
052-256-0	LEWIS KRISTEN	5275 SADDLEBROOK WAY	WESLEY CHAPEL	FL	33543	408	MASON ST		0 CHARLEVC MI		49720
052-256-0	GRIFFIN LU ANN	406 MASON ST	CHARLEVOIX	MI	49720-126	406	MASON ST		0 CHARLEVC MI		49720
052-256-0	HAMILTON JAMES T & BARBARA J	404 MASON ST	CHARLEVOIX	MI	49720-126	404	MASON ST		0 CHARLEVC MI		49720
052-256-0	HEERES REV TRUST	6323 E JORDAN RD	ELLSWORTH	MI	49729	402	MASON ST		0 CHARLEVC MI		49720
052-256-0	GAPPY WILLIAM C & GRETA E	415 ANTRIM ST	CHARLEVOIX	MI	49720-12C	415	ANTRIM ST		0 CHARLEVC MI		49720
052-256-0	YOUNG GAIL REVOCABLE TRUST	4962 COUNTRYSIDE DR	WEST BLOOMFIELD	MI	48323-276	413	ANTRIM ST		0 CHARLEVC MI		49720



CITY OF CHARLEVOIX

CITY OF CHARLEVOIX
210 STATE STREET
CHARLEVOIX, MI 49720
United States
Phone : (231) 547-3261
E-Mail : RECEIPTCLERK@CHARLEVOIXMI.GOV
CHARLEVOIXMI.GOV

Office of Planning and Development
210 State Street
planner@charlevoixmi.gov
www.charlevoixmi.gov
(231)547-3265

ITEM REFERENCE	AMOUNT
409 Board of Appeals/Variance App	\$350.00
403 ANTRIM	\$350.00
TOTAL	\$350.00
Check 4515	\$350.00
Total Tendered:	\$350.00
Change:	\$0.00

Received from:
Date: 08/07/2025
Receipt: 0000056709
Time: 4:48:50 PM

VARIANCE APPLICATION

Ginny Schulz Applicant
403 Antrim Street Address of subject property
Charlevoix MI 49720 Address (City/State/Zip)

Property Owner Name (If different than applicant)

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

Property Owner Phone (616) 366-5115 Email gschulz@comcast.net

Agent Phone () - - - - - Email

Current Zoning of subject property: Residential 2

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

Date of original construction (If known): 1930

- 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: Clara Schmalz
Date: 7/31/2025

Variance Request – Side Yard Setback – 0 feet from property lines for 403 and 405 Antrim St
August 2025

The purpose of our request is to build a shared wall garage on each of our properties. Having a shared wall on the property line allows us to have garages at the top of our driveways. The driveway for 405 Antrim is currently immediately adjacent to the property line. The driveway for 403 Antrim has a small strip of grass between the driveways. Building a shared wall garage allows us to re-use the existing driveways.

At 403 Antrim it is not possible to put the garage behind the house, there is not enough land, including the setbacks to do so. On both properties having two garages, with the setback of 8', would require the driveways be reconfigured. This would exceed the required non-pervious area of the lots.

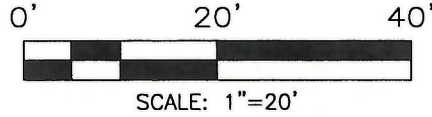


EXISTING SITE PLAN

**SOUTH 1/2 OF LOT 2, BLOCK 16, PLAT OF
CHARLEVOIX, SECTION 3, T32N, R07W**
VILLAGE OF CHARLEVOIX,
CHARLEVOIX COUNTY, MICHIGAN

CERTIFIED TO:
GINNY SCHULZ
P.O. BOX 153,
CHARLEVOIX, MICHIGAN 49720

PARCEL ADDRESS:
403 ANTRIM STREET,
CHARLEVOIX, MI 49720
TAX ID: # 15-052-256-002-50



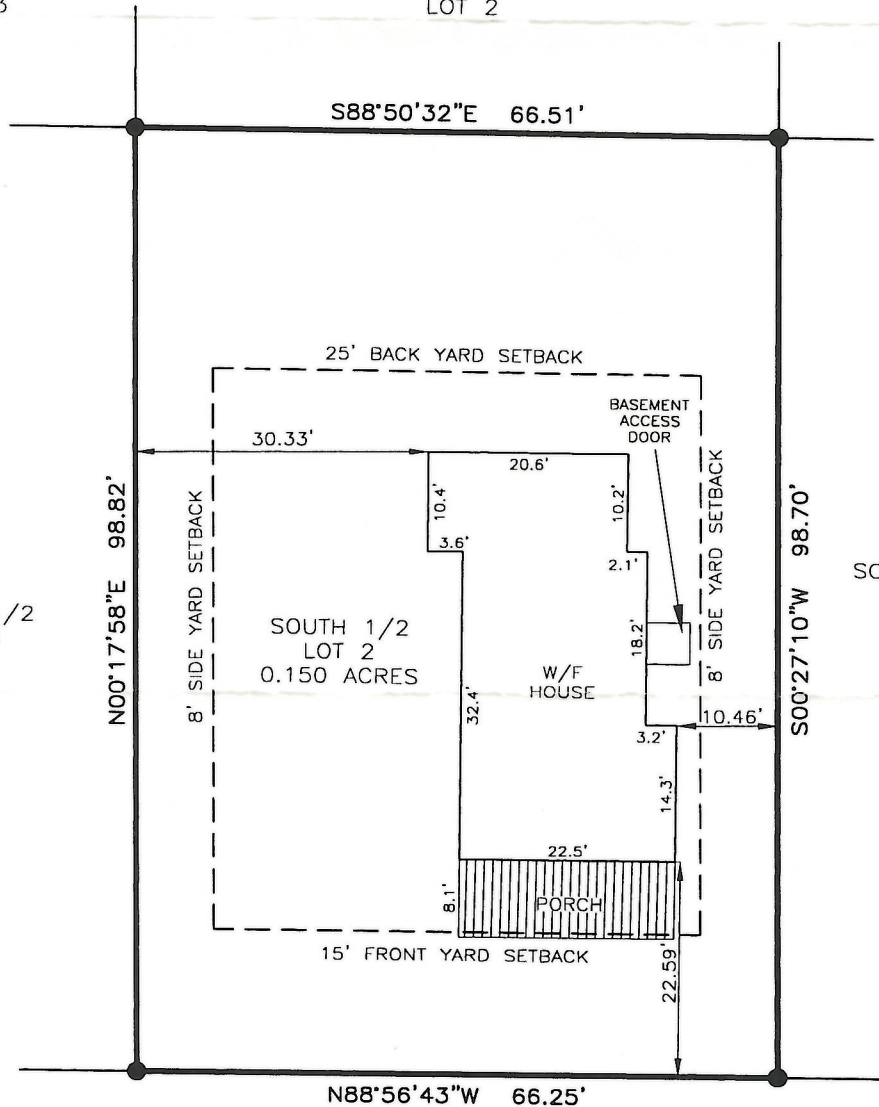
NORTH 1/2
LOT 3

NORTH 1/2
LOT 2

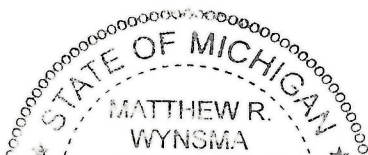
NORTH 1/2
LOT 1

SOUTH 1/2
LOT 3

SOUTH 1/2
LOT 1

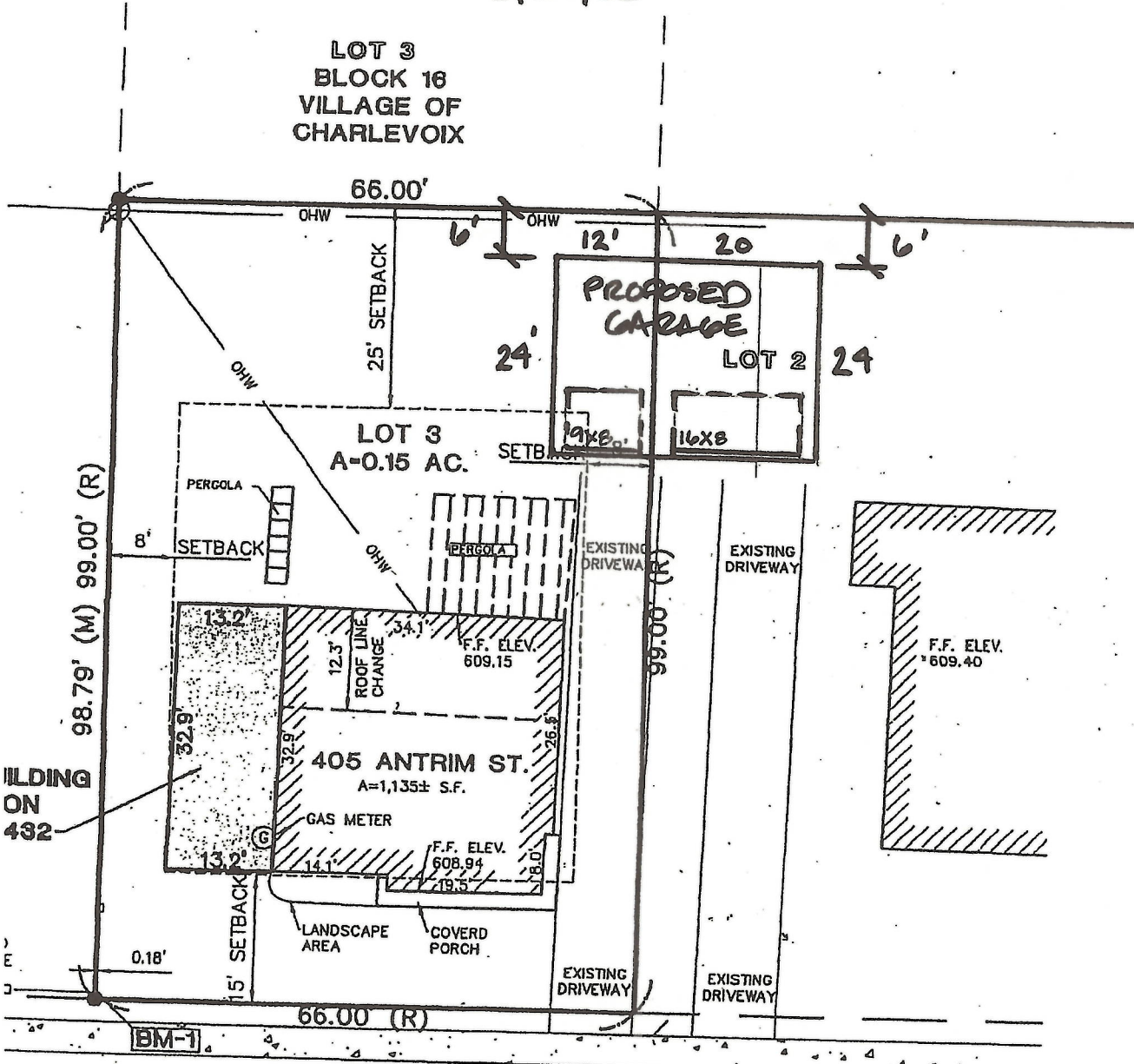


WEST ANTRIM STREET
(PUBLIC 66')



SURVEY DRAWING

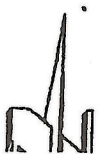
DAVE & ANN HOFFMAN
GARAGE PROPOSAL
5/23/23



ANTRIM STREET

C/L OF ANTRIM ST.

ment Corner
n Pipe/Rod
Iron Pipe/Rod



All dimensions are in feet and decimals thereof.

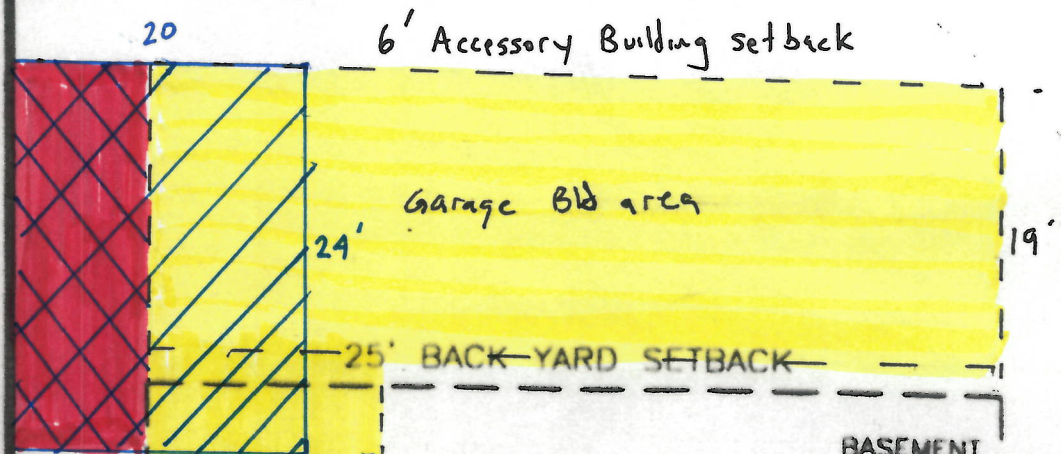
I hereby certify that I have surveyed and/or mapped the parcel(s) of land described and delineated hereon, and that ratio of closure of the unadjusted field observations and the relative positional precision are within the limits

403 Antrim

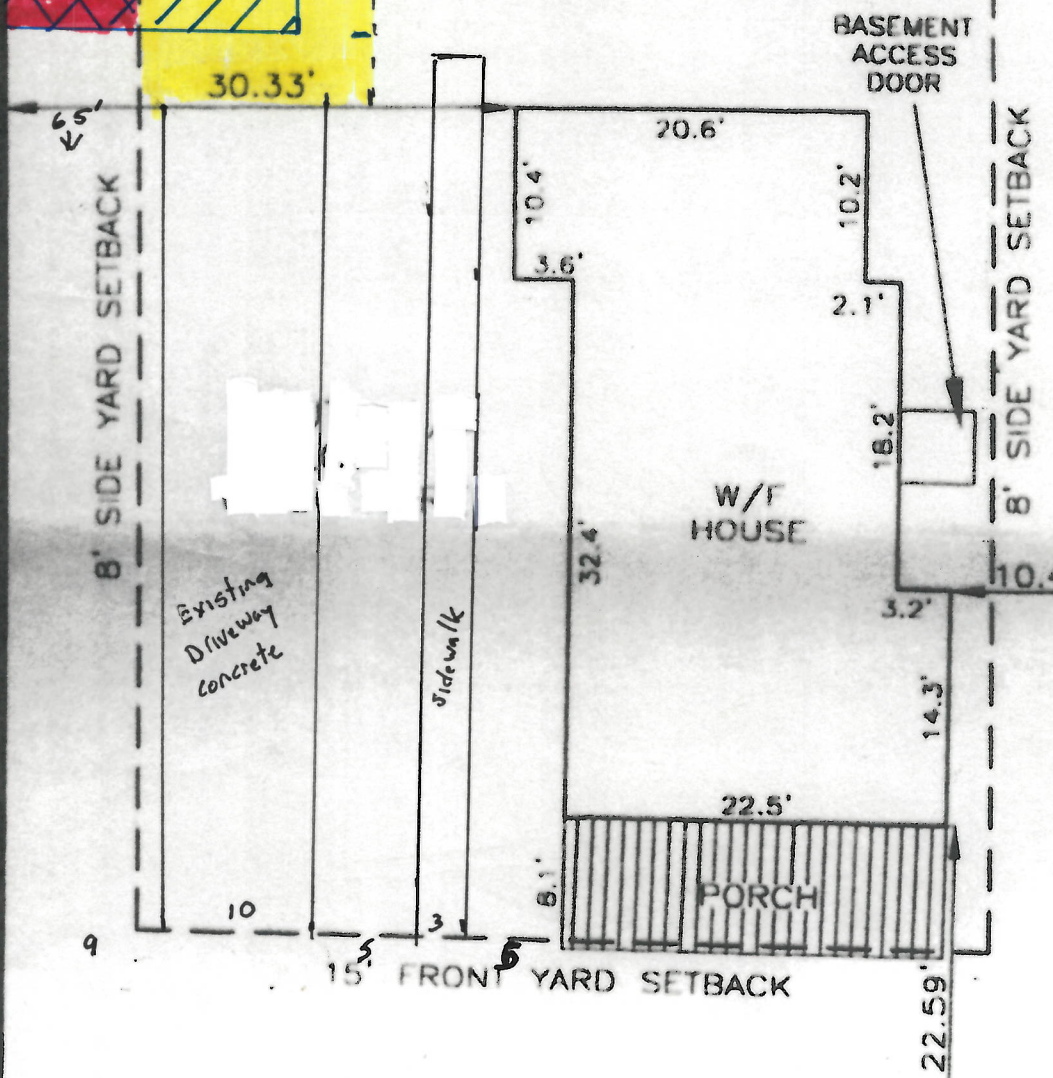
NORTH 1/2
LOT 3

NORTH 1/2
LOT 2

S88°50'32"E 66.51'



N00°17'58"E 98.82'



S00°27'10"W 0R 70'

SOUTH 1/2
LOT 3



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:	<u>ZBA 25-02 Variance Request for 403 Antrim</u>
PUBLIC MEETING DATE:	August 27, 2025, 6:00 PM
PRESENTED BY:	Jonathan Scheel, Director Planning and Zoning

EXHIBITS:	<ol style="list-style-type: none"> 1. Notifications 2. Variance application dated 7-31-2025 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 is proposing building one portion of a shared garage at 403 Antrim, parcel ID 052-256-002-50. The variance requested is

#1) an 8’ interior side setback variance
--

Section 153.087 of the City of Charlevoix Zoning Ordinance defines the dimensional requirements in the Residential 2 Zoning District. The dimensional standards in the R2 District are:

Front yard setback15 feet	Interior Side yard setback.....8 feet
Rear yard setback25 feet	Street side setback15 feet
Minimum Lot Size.....6,000 sq ft	Maximum height..... 26 feet
Accessory structure rear6 feet .	Accessory structure height.....16 feet

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.

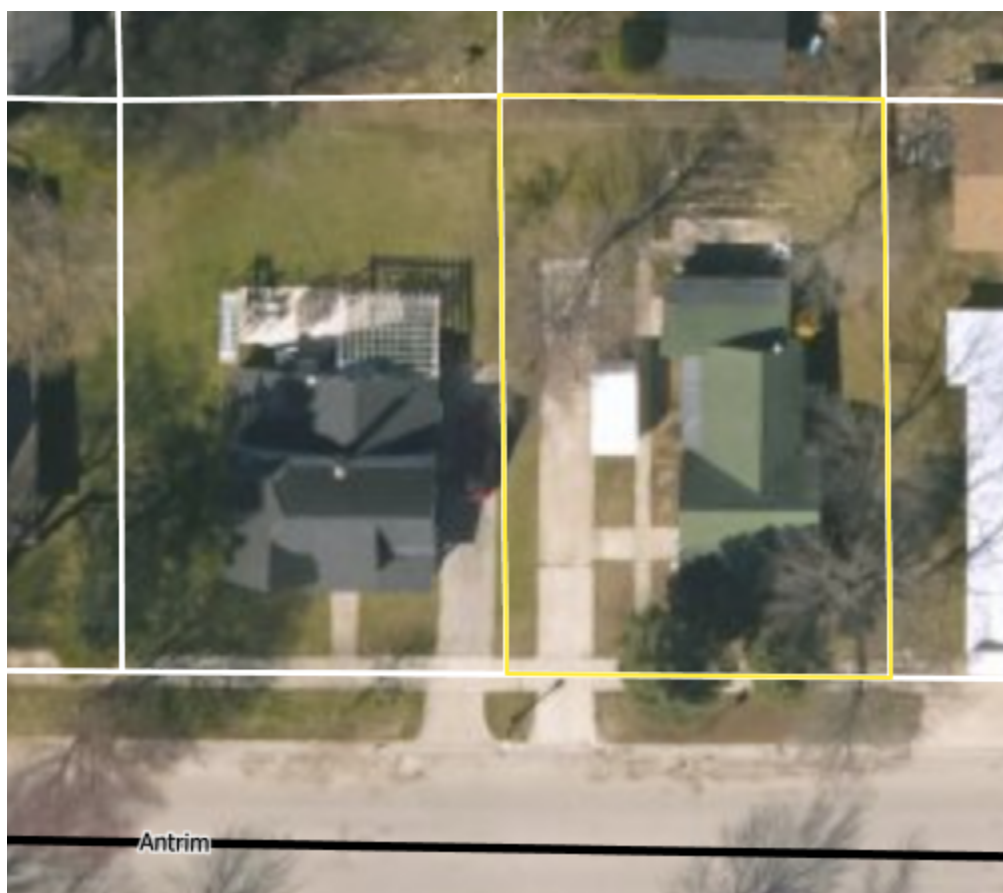
2. BACKGROUND

The variance application was submitted on July 17, 2025. The notice of public hearing was published in the Charlevoix *Courier* on August 8, 2025, and mailed to property owners within 300 feet of this parcel on August 1, 2025.

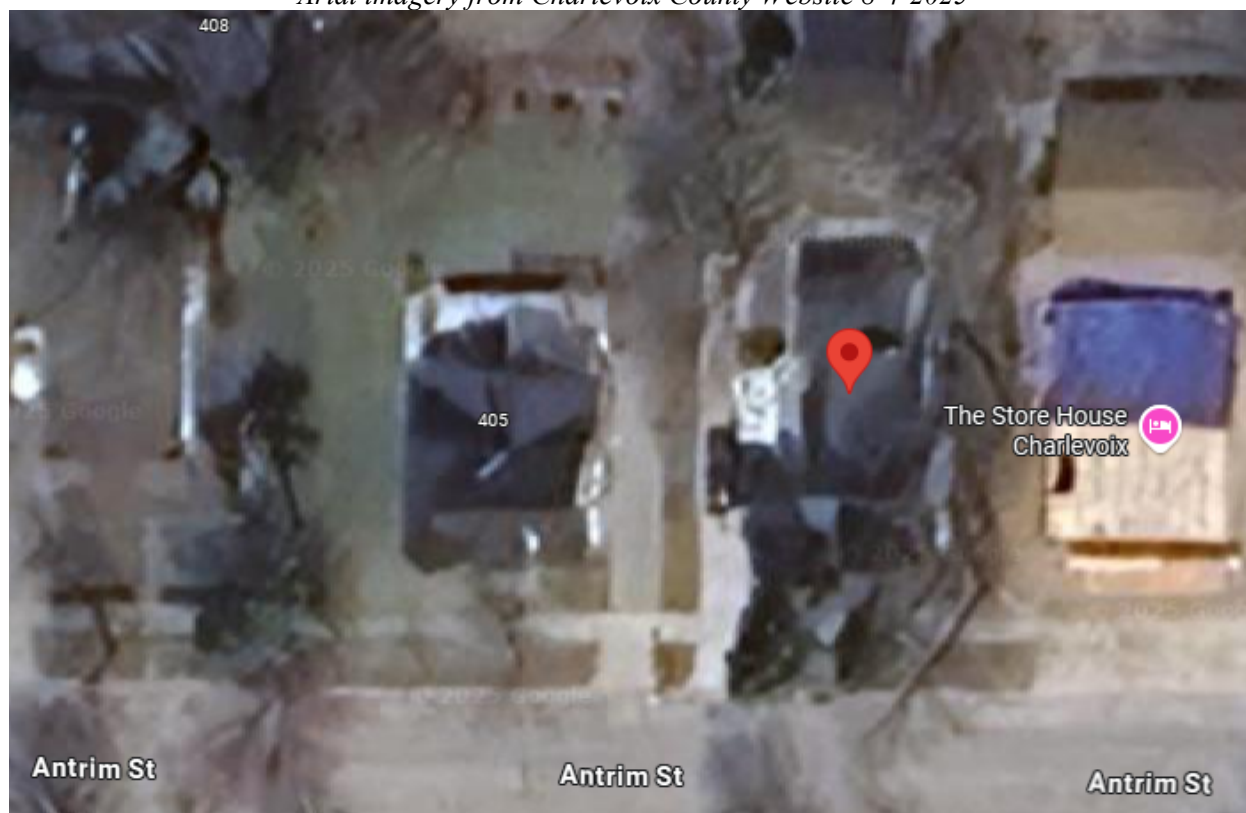
The Zoning Administrator reviewed this proposal. No other department was contacted

3. SITE

The subject property is located at 403 Antrim. The tax description is: South ½ of lot 2 of block 16 of the original plat of City of Charlevoix. The parcel has dimensions of 66’ x 99’, with an area of 6,534 square feet.



Aerial imagery from Charlevoix County Website 8-4-2025



Aerial imagery obtained from Google Earth 8-4-2025



Photos of 403 Antrim Street



4. STAFF ANALYSIS

Staff opinion concerning this variance request is that the ZBA will have to evaluate the findings of fact and make decisions based on those facts.

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 August 27, 2025, 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) request, 8' interior east side setback variance at 403 Antrim Street

1. The subject parcel 052-256-002-50 is zoned Residential 2.
2. According to Charlevoix County Records, the subject parcel is owned by Ginny Schulz
3. The subject parcel and structures were established prior to current City Zoning
4. The subject property is a single platted lot and is 6,534 sq feet
5. The side yard setback for Residential 2 is 8 feet.
6. The owner proposes building an accessory structure which is an allowed use by right.

§ 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

The ZBA finds that the need for the requested variance is due to unique circumstances regarding the property. The depth of the lot is 98+ feet while most lots to the north of Mason and south of Neman are 30 to 60 feet longer in length. The ZBA finds that this standard is met as a result of the existing modest legal conforming home, driveway and sidewalk substantially reduces the property's buildable area. The rear 20 feet of the property slopes uphill making it much more difficult to have an individual side-facing garage with minimal area for a vehicle turn radius. Also, building in the side yard could limit access to the rear yard.

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 as the buildable footprint is minimal as a result of the depth of the lot, the existing legal conforming home placement on the lot and the placement of the existing concrete driveway and sidewalk. There are other existing similar garages in the neighborhood.

The ZBA has affirmed that a garage is a property right in numerous past cases.

Finding of Denial - #1

None

- (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 meets this standard as the proposed garage will not have a negative impact on adjacent property owners or the neighborhood. There are other existing similar garages in the neighborhood that have not shown negative impacts.

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 existing home and driveway being constructed 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 25-02 for 403 Antrim Street:

1. Deny project ZBA 25-02 based on specific findings of fact that prove the project does not meet the review standards in 153.038 (F).
2. Approve project ZBA 25-02 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 25-02 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 25-02.

Wednesday, August 13, 2025

Zoning Administrator
c/o Jonathan Scheel
City of Charlevoix
210 State Street
Charlevoix, MI 49720

Dear Mr. Scheel.

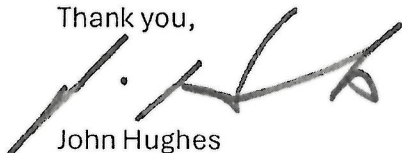
As the owner of the property located at 404 Antrim Street, I am writing to provide comments regarding the dimensional variance requests for the properties at 403 and 405 Antrim Street, identified as Case Numbers 25-02 and 25-03 ZBA. These properties are situated directly across the street from my residence.

I am fully supportive of my neighbors' requests for dimensional variances. I believe the variances are necessary to allow for the construction of garages on their respective properties, which would offer much-needed protection for vehicles during harsh winter conditions and provide additional storage space—an important consideration given the limited size of their city lots.

Considering the small lot sizes, existing topographical challenges, and the fact that access is limited solely to Antrim Street, the requested side yard setback variances appear reasonable and justified. I have reviewed the plans for the proposed shared garage, as included in the public hearing notice, and find the structure to be appropriately scaled and thoughtfully sited. It appears well-designed to serve the applicants' needs while preserving the character of the neighborhood.

I respectfully urge the Zoning Board of Appeals to approve the requested variances. Should the Board have any questions or wish to discuss this matter further, I would be happy to make myself available.

Thank you,



John Hughes
231-218-2784

johnH@maaeps.com

sent via e-mail to: planner@charlevoixmi.gov

Charlevoix Zoning Board of Appeals

New Business

Title: Public Hearing for Case 25-03 405 Antrim Street

Date: August 27, 2025

Presented By: Jonathan Scheel, Director of Planning & Zoning

Background:

Two adjacent property owners at 403 and 405 Antrim Street with limited building area on each parcel would like to build a "shared" garage on their mutual property line in their rear and side yards. There are other garages on the block and on the street that are similar in nature, with one shared garage at 604 Park and 419 Antrim Street, with their garage entrances on Antrim Street, and also numerous garages on side property lines at 316, 303, 217, 216, and 213 Antrim Street. The rear yard of the applicant's property slopes upward, making it more difficult to construct the driveway and garage in their individual backyards.

Recommendation:

- 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

Attachments:

1. 405 antrim application
2. 405 comment
3. 25-03 Staff Report 405 Antrim



**CITY OF
CHARLEVOIX**

August 8, 2025

NOTICE OF PUBLIC HEARING

Zoning Board of Appeals

Charlevoix City Hall - Council Chambers 2nd Floor
210 State Street, Charlevoix, MI 49720

Case Number: Joint 25-02 and 25-03 ZBA
Parcel #: 052-256-002-50 and 052-256-003-50
Applicants: Ginny Schulz and David Hoffman
Property Address: 403 and 405 Antrim
Property Owner(s): Ginny Schulz and David Hoffman

The City of Charlevoix Zoning Board of Appeals will hold a public hearing on Wednesday, August 27, 2025, at 6 pm in the Charlevoix City Hall Council Chambers to evaluate a variance application for a dimensional variance at 403 and 405 Antrim. The applicants are requesting an interior side setback variance of 8 feet on each property, from the requirements defined in §153.087 of the Zoning Ordinance.

The properties are zoned Residential 2. The application proposes building a shared structure (garage) with the adjacent property owner. 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
planner@charlevoixmi.gov
(231) 547-3265

pln	owner	address	city	state	zip
052-254-009-50	KORNMEIER BENJAMIN/MARON MARTA	317 ANTRIM ST	CHARLEVOIX	MI	49720
052-254-008-50	SIBINIC ALAN	310 ANTRIM ST W	CHARLEVOIX	MI	49720
052-254-009-00	JACOBSON ANDREW & COREY	3825 N PAULINA ST	CHICAGO	IL	60613
052-270-048-00	CLAUCHERTY BURRELL S & CHRISTIANA M	305 HIGHLAND DR	JACKSON	MI	49201
052-270-049-00	HURVITZ RUTH TRUST	3005 PARK HILL PLACE	WEST BLOOMFIELD	MI	48323
052-270-050-00	LEWIS LINDSAY K	401 SHERMAN ST	CHARLEVOIX	MI	49720
052-254-010-00	RILEY DENISE M	320 MASON ST	CHARLEVOIX	MI	49720-1227
052-256-006-50	YOUNG GAIL REVOCABLE TRUST	4962 COUNTRYSIDE DR	WEST BLOOMFIELD	MI	48323-2790
052-255-003-00	PIERCE GREGORY A & LAURA L	403 MASON ST	CHARLEVOIX	MI	49720
052-255-005-00	LANGEWEG SHALMIR LEE	410 PARK AVE	CHARLEVOIX	MI	49720
052-255-004-00	DANTUMA JAMES E & KAREN D	406 PARK AVE	CHARLEVOIX	MI	49720
052-255-002-50	PICOTTE DIANE M & WILLIAM J	401 MASON ST	CHARLEVOIX	MI	49720-1261
052-256-005-50	B&S RENTAL LLC	4589 GREENWOOD CHURCH RD	PETOSKEY	MI	49770
052-256-004-50	WESCOTT DENNIS M & BONNIE G	407 ANTRIM ST	CHARLEVOIX	MI	49720-1204
052-256-003-50	HOFFMAN DAVID D & ANN L	6130 WESTERN DR #37	SAGINAW	MI	48638
052-256-002-50	SCHULZ GINNY	PO BOX 153	CHARLEVOIX	MI	49720
052-256-001-50	BARTON BEVERLY A	401 ANTRIM ST	CHARLEVOIX	MI	49720
052-254-010-50	JORDAN JOHN E JR & DAWNE	3305 PLUMB ST	HOUSTON	TX	77005
052-270-026-00	HUGHES JOHN TRUST	PO BOX 4162	TRAVERSE CITY	MI	49685
052-270-025-00	OAK TREE COMMUNICATIONS LLC	7568 WHITEHALL CIR WEST	WEST CHESTER	OH	45069
052-270-023-00	LEFT THOMAS G	322 ANTRIM ST	CHARLEVOIX	MI	49720-1203
052-256-007-00	CAMPFOY LLC	1052 NE 31ST TERRACE	Ocala	FL	34470
052-270-031-00	WHITLEY GREGG W	10361 WEST SHORE DR	CHARLEVOIX	MI	49720-9322
052-270-030-00	ZINN WILLIAM MICHAEL & JULIANNE	501 CREST AVE	ANN ARBOR	MI	48103-4603
052-270-029-00	CLOSE EDWARD S & MELISSA A	273 E FOREST AVE	ELMHURST	IL	60126
052-270-028-00	HOGAN S/GERRITSEN L 1/4 EA	29 MEDFIELD DR	ROCHESTER	NY	14609-3009
052-270-027-00	SMALL RICHARD L & MELISSA K	6725 ORINOCO CIRCLE	BLOOMFIELD HILLS	MI	48301-2933
052-256-005-10	DOHERTY C MICHAEL & SHARON L	410 MASON ST	CHARLEVOIX	MI	49720
052-256-004-00	LEWIS KIRSTEN	5275 SADDLEBROOK WAY	WESLEY CHAPEL	FL	33543
052-256-003-00	GRIFFIN LU ANN	406 MASON ST	CHARLEVOIX	MI	49720-1262
052-256-002-00	HAMILTON JAMES T & BARBARA J	404 MASON ST	CHARLEVOIX	MI	49720-1262
052-256-001-00	HEERES REV TRUST	6323 E JORDAN RD	ELLSWORTH	MI	49729
052-256-008-50	GAPPY WILLIAM C & GRETA E	415 ANTRIM ST	CHARLEVOIX	MI	49720-1204
052-256-007-50	YOUNG GAIL REVOCABLE TRUST	4962 COUNTRYSIDE DR	WEST BLOOMFIELD	MI	48323-2790



CITY OF CHARLEVOIX

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

CITY OF CHARLEVOIX
210 STATE STREET
CHARLEVOIX, MI 49720
United States
Phone : (231) 547-3261
E-Mail : RECEIPTCLERK@CHARLEVOIXMI.GOV
CHARLEVOIXMI.GOV

Received From:
Date: 08/07/2025
Receipt: 0000056710
Time: 4:49:39 PM

ITEM REFERENCE	AMOUNT
409 Board of Appeals/Variance App	\$350.00
405 ANTRIM	\$350.00
TOTAL	\$350.00
Check 4516	\$350.00
Total Tendered:	\$350.00
Change:	\$0.00

VARIANCE APPLICATION

David A. Hoffman
Applicant

405 Antrim Charlevoix 49720
Address of subject property

6130 Western Drive #37 Saginaw MI 48638
Address (City/State/Zip)

Property Owner Name (If different than applicant)

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

Property Owner Phone
(989)860-8759

Email
ddhoffman326@gmail.com

Agent Phone
() - - - - -

Email

Current Zoning of subject property: residential 2

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

Date of original construction (If known): Unknown

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

single car garage to be constructed with common fire wall with neighbor's (403 Antrim) new constructed garage.

Dimensions of proposed construction excluding eaves: 24x14 - 405 Antrim

Total square footage of proposed construction: 336

Height of proposed construction to the top of the roof: 27

Height of proposed construction to the midpoint of the roof for gabled roof: 27

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 0 feet from front property line. - common wall

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?

without the variance I will not be able to build the garage as myself and my neighbor will each have an 8ft setback for a total of 16ft between our 2 garages which would result in my garage being in the middle of my back yard.

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: David D. Hoff
Date: 7-30-25

Variance Request – Side Yard Setback – 0 feet from property lines for 403 and 405 Antrim St
August 2025

The purpose of our request is to build a shared wall garage on each of our properties. Having a shared wall on the property line allows us to have garages at the top of our driveways. The driveway for 405 Antrim is currently immediately adjacent to the property line. The driveway for 403 Antrim has a small strip of grass between the driveways. Building a shared wall garage allows us to re-use the existing driveways.

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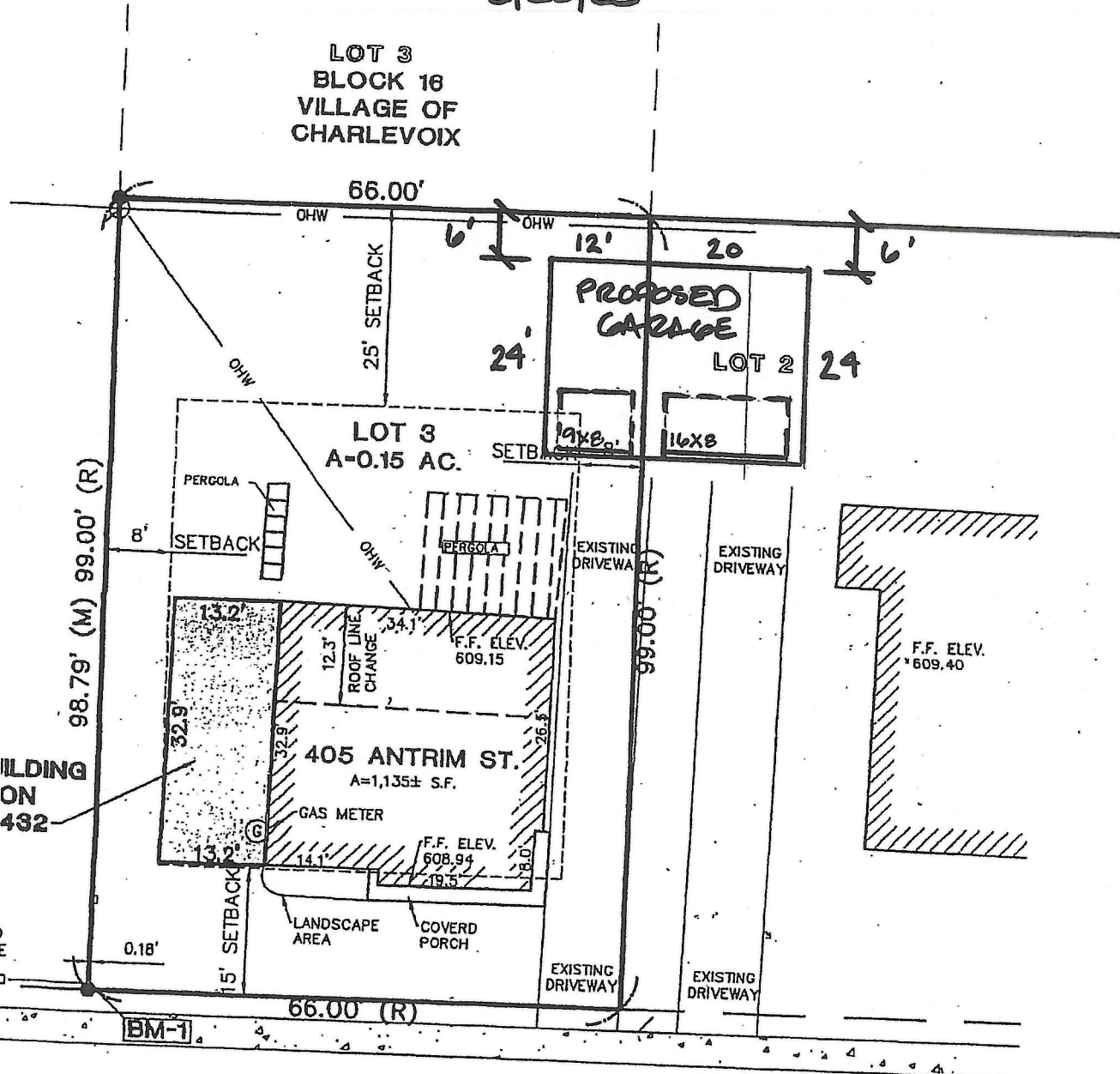


N
DRIVE, UNIT 37
HIGAN 48636

SURVEY DRAWING

COPY

DAVE & ANN HOFFMAN
GARAGE PROPOSAL
5/23/23



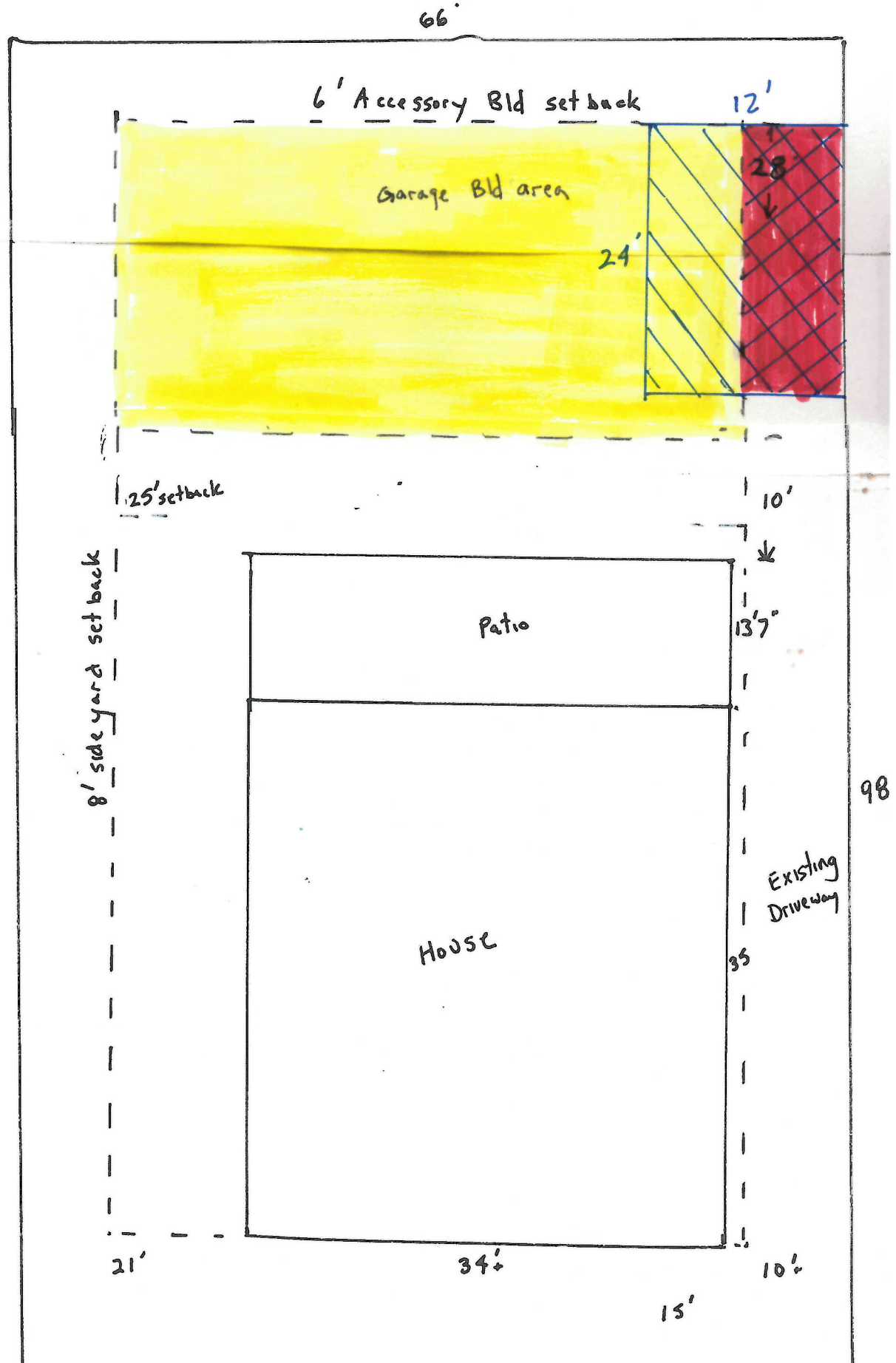
ANTRIM STREET

C/L OF ANTRIM ST.

All dimensions are in feet and decimals thereof.

I hereby certify that I have surveyed and/or mapped the parcel(s) of land described and delineated hereon, and that the ratio of closure of the unadjusted field observations and the relative positional precision are within the ...

405 Antrim



Received 8-13-2025
by email

Wednesday, August 13, 2025

Zoning Administrator
c/o Jonathan Scheel
City of Charlevoix
210 State Street
Charlevoix, MI 49720

Dear Mr. Scheel.

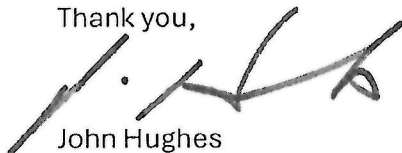
As the owner of the property located at 404 Antrim Street, I am writing to provide comments regarding the dimensional variance requests for the properties at 403 and 405 Antrim Street, identified as Case Numbers 25-02 and 25-03 ZBA. These properties are situated directly across the street from my residence.

I am fully supportive of my neighbors' requests for dimensional variances. I believe the variances are necessary to allow for the construction of garages on their respective properties, which would offer much-needed protection for vehicles during harsh winter conditions and provide additional storage space—an important consideration given the limited size of their city lots.

Considering the small lot sizes, existing topographical challenges, and the fact that access is limited solely to Antrim Street, the requested side yard setback variances appear reasonable and justified. I have reviewed the plans for the proposed shared garage, as included in the public hearing notice, and find the structure to be appropriately scaled and thoughtfully sited. It appears well-designed to serve the applicants' needs while preserving the character of the neighborhood.

I respectfully urge the Zoning Board of Appeals to approve the requested variances. Should the Board have any questions or wish to discuss this matter further, I would be happy to make myself available.

Thank you,



John Hughes
231-218-2784

johnH@maaeps.com

sent via e-mail to: planner@charlevoixmi.gov

Wednesday, August 13, 2025

Zoning Administrator
c/o Jonathan Scheel
City of Charlevoix
210 State Street
Charlevoix, MI 49720

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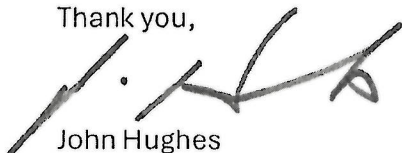
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**ZONING BOARD OF APPEALS
 STAFF REPORT**

AGENDA ITEM:	<u>ZBA 25-03 Variance Request for 405 Antrim</u>
PUBLIC MEETING DATE:	August 27, 2025, 6:00 PM
PRESENTED BY:	Jonathan Scheel, Director Planning and Zoning

EXHIBITS:	<ol style="list-style-type: none"> 1. Notifications 2. Variance application dated 7-31-2025 3. Boundary survey 4. Site plan, and building plan w/ elevations 5. City of Charlevoix Zoning Ordinance, adopted 7-1-2024.
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1. PROPOSAL

The applicant is requesting is proposing building one portion of a shared garage at 405 Antrim, parcel ID 052-256-002-50. The variance requested is

#1) an 8’ interior side setback variance
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Section 153.087 of the City of Charlevoix Zoning Ordinance defines the dimensional requirements in the Residential 2 Zoning District. The dimensional standards in the R@ District are:

Front yard setback15 feet	Interior Side yard setback.....8 feet
Rear yard setback25 feet	Street side setback15 feet
Minimum Lot Size.....6,000 sq ft	Maximum height..... 26 feet
Accessory structure rear6 feet .	Accessory structure height.....16 feet

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 July 17, 2025. The notice of public hearing was published in the Charlevoix *Courier* on August 8, 2025, and mailed to property owners within 300 feet of this parcel on August 1, 2025.

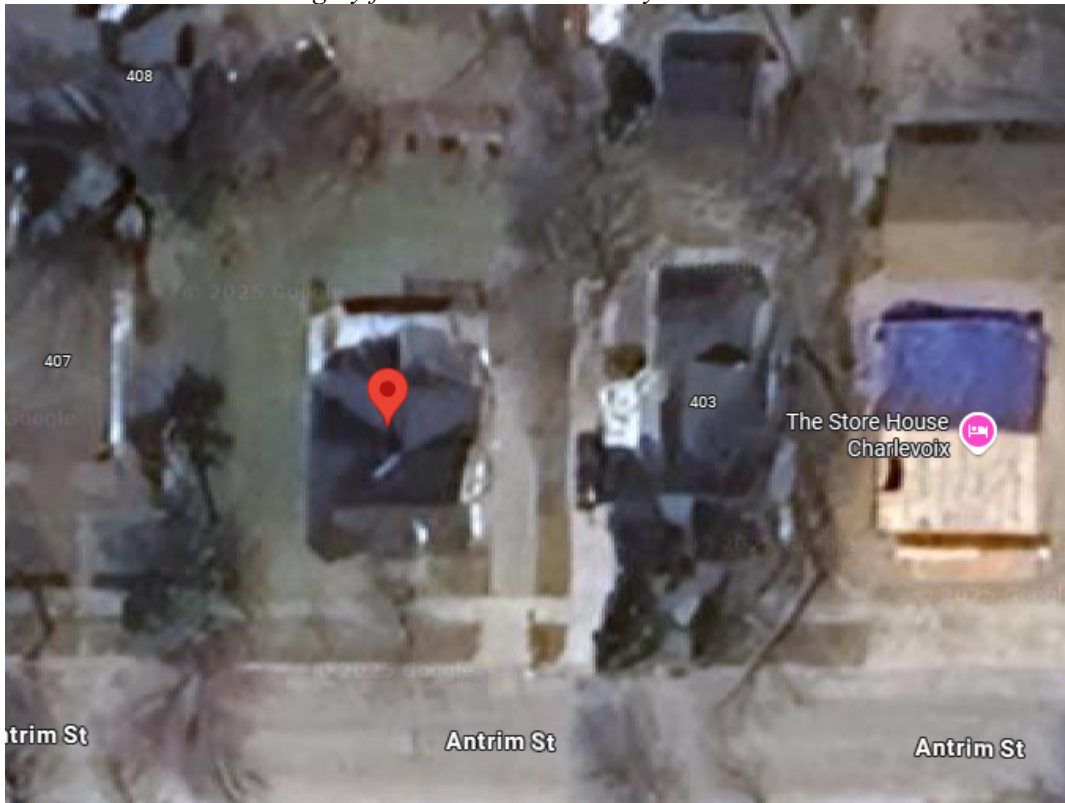
The Zoning Administrator reviewed this proposal. No other department was contacted

3. SITE

The subject property is located at 405 Antrim. The tax description is: South ½ of lot 3 of block 16 of the original plat of City of Charlevoix. The parcel has dimensions of 66’ x 99’, with an area of 6,534 square feet.



Aerial imagery from Charlevoix County Website 8-4-2025



Aerial imagery obtained from Google Earth 8-4-2025



Photos of 405 Antrim Street

4. STAFF ANALYSIS

Staff opinion concerning this variance request is that the ZBA will have to evaluate the findings of fact and make decisions based on those facts.

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 August 27, 2025, 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) request, 8' interior east side setback variance at 405 Antrim Street

1. The subject parcel 052-256-003-50 is zoned Residential 2.
2. According to Charlevoix County Records, the subject parcel is owned by David and Ann Hoffman
3. The subject parcel and structures were established prior to current City Zoning
4. The subject property is a single platted lot and is 6,534 sq feet
5. The side yard setback for Residential 2 is 8 feet.
6. The owner proposes building an accessory structure which is an allowed use by right.

§ 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

The ZBA finds that the need for the requested variance is due to unique circumstances regarding the property. The depth of the lot is 98+ feet while most lots to the north of Mason and south of Neman are 30 to 60 feet deeper in length. The ZBA finds that this standard is met as a result of the existing legal conforming home 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 as the buildable footprint is minimal as a result of the depth of the lot, the existing legal conforming home placement on the lot built well before any zoning ordinance, the maximum lot coverage of 40% and the placement of the existing driveway. There is another existing shared garage and many garages on the lot line in the neighborhood.

Finding of Denial - #1

None

- (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 meets this standard as the proposed garage will not have a negative impact on adjacent property owners 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 existing home and driveway being constructed 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 25-03 for 405 Antrim Street:

1. Deny project ZBA 25-03 based on specific findings of fact that prove the project does not meet the review standards in 153.038 (F).
2. Approve project ZBA 25-03 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 25-03 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 25-03.

Zoning Board of Appeals Meeting Dates 2025

The Zoning Board of Appeals meets on the third Wednesday of each month as needed. The remaining dates for 2025 would be....

September 17

October 15

November 19

December 17