



VILLAGE OF SUTTONS BAY  
PLANNING COMMISSION  
SPECIAL MEETING  
Meeting Minutes of July 24, 2024  
420 N. Front Street  
Suttons Bay, MI 49682

The meeting was called to order at 5:00 p.m. by Chairperson Hetler.

Present: Feringa, Hetler, Hylwa, Pontius, D. Smith  
Absent: F. Smith  
Staff present: Petroskey, Patmore and Kopriva  
Guests: Dusty Christensen, Land Use Consultant representing Bahle Enterprises, LLC,  
Rich Bahle & Lois Bahle

Approval of Agenda

Hylwa moved, Smith seconded, CARRIED, to approve the agenda as presented.  
Ayes: 5, No: 0.

Conflict of Interest: None

Approval of Minutes

Hylwa moved, Feringa seconded, CARRIED, to approve the Planning Commission meeting minutes of June 12, 2024 as presented. Ayes: 5, No: 0.

Public Comment/Written Communications

The Leelanau County Planning Commission report was provided to the planning commission members for their review.

Wetland Ordinance Language-Public Hearing

Kopriva referred to her report dated July 19, 2024, found in the packet regarding the amendment(s) to Article 2-6 (G) and the wetland definition in Article 20-1. Chair Hetler opened the public hearing at 5:05 pm and hearing no comments closed the public hearing at 5:06 p.m. The commission members having no further discussion reviewed the criteria of Article 18-3 to see if the amendment meets the criteria of a zoning amendment. The committee agreed upon the following:

- The proposed text amendment will clarify the intent of the ordinance and help with further enforcement of the Zoning Ordinance.
- The amendment will correct an oversight of the ordinance by further defining language to help with enforcement and implementation of the Zoning Ordinance.
- The proposed text amendment is not in response to any State legislation, recent case law or opinions from the Attorney General.
- The proposed amendment would not promote compliance with changes in other County, State or Federal regulations.
- The amendment does not add a use to a district.
- The amendment does not create incompatible land uses.
- There does not appear to be any conflict with any other reports, studies, or other documents.
- The amendment is only related to definitions and clarifications. There is no impact on public facilities.
- The proposed text amendments are consistent with the Village's desire to protect the public health, safety and welfare of the community.

Feringa moved, Hylwa seconded, CARRIED, to recommend that the Village Council approve amendments to Sec 2-6 of the Zoning Ordinance and the wetland definition in Article 20 as they meet the requirements of Section 18-3 of the zoning ordinance and it specifically clarifies language and is consistent with the intent and purpose of the master plan and zoning ordinance. Ayes: 5, No: 0.

### Zoning Ordinance Amendment Request-Single Family Waterfront District Amendments- Public Hearing

An application of an amendment to the Single-Family Waterfront Residential (SFWR) zoning district was received from applicants Bahle Properties, LLC. The amendment proposes to change the intent section and reduce the spatial (setbacks and minimum lot) requirements in the SFWR district. Below are changes requested in brief:

1. Remove minimum lot depth
2. Reduce minimum width/frontage from 100 feet to 90 feet
3. Reduce street setback from 25 feet to 20 feet
4. Change intent from "larger lots at lowest density, close to half-acre minimum lot size to "on waterfront lots"

Chair Hetler opened the public hearing at 5:10 p.m.:

Dusty Christensen spoke on behalf of the applicants and stated that they would like to move forward with all four requests presented. Christensen added that two of the properties in question already has an extra sewer line that was placed a number of years ago.

Commissioner Smith asked why the applicant was asking for 90' width and not another number. The applicant stated that they felt it was a good middle ground number.

Zoning Administrator Patmore stated he was concerned about eliminating depth as it could create non-conforming parcels that would lead to putting pressure on the ZBA.

The Public hearing closed at 5:45p.m.

Kopriva referred to her report dated July 19, 2024, found in the packet regarding the amendment(s) to the single-family waterfront district. Commission members issued concerns regarding South Shore Road and reduces the front setback. Commission members noted that there is no sidewalk and a reduction in setbacks could infringe on the right of way. The commission members having no further discussion reviewed the criteria of Article 18-3 to see if the amendment meets the criteria of the requested zoning amendments. The committee agreed upon the following:

- The proposed text amendment would not clarify the intent of the ordinance as the criteria does not apply.
- The amendment would correct an oversight of the ordinance. The commission noted concerns that the proposed changes could increase requests to the ZBA by creating a lot that can't be built on as it will be a self-created situation and it should be viewed as such.
- The proposed text amendment is not in response to any State legislation, recent case law or opinions from the Attorney General and this statement does not apply.
- The proposed amendment would not promote compliance with changes in other County, State or Federal regulations as this statement does not apply.
- The amendment does not add a use to a district.
- The amendment does not create incompatible land uses.
- There does not appear to be any conflict with any other reports, studies, or other documents.
- The amendment is only related to definitions and clarifications. There is no impact on public facilities.
- The proposed text amendments are consistent with the Village's desire to protect the public health, safety and welfare of the community.

Feringa moved, D. Smith seconded, CARRIED, to recommend that the Village Council adopt the amendments to the Single-Family Waterfront District of the Zoning Ordinance as requested by the applicant as they meet the requirements of Section 18-3 of the zoning ordinance and specifically the amendment does not add a use, does not create incompatibilities, potentially will reduce non-conformities, and support the general public health, safety and welfare, as well as supported findings and reports included with application and packet. The intent is not to create opportunities for variance requests to allow for larger structures on lots that are self-

created when a building envelope exists for a dwelling that meets the minimum requirements of the ordinance. Ayes: 5, No: 0.

Pontius left the meeting at 6:30 p.m.

#### Reports

##### Zoning Administration Report

The Zoning Administration report was submitted and can be found in this packet.

Patmore stated that he has been very busy and has also issued some land use permits for Harbor Heights.

Village Council Report: D. Smith indicated that the Village Council accepted waterways grant for bathroom reconstruction, adopted the Leelanau County Hazard Mitigation Plan and appointed Petroskey as Clerk.

#### Good of the Order

Commissioner D. Smith would like height/stories in the Single-Family Waterfront District discussed at a future meeting.

Next Regular Meeting is August 14, 2024.

The meeting adjourned at 6:45 p.m.

Meeting minutes submitted by Dorothy Petroskey, Clerk.