



**VILLAGE OF SUTTONS BAY**  
Planning Commission  
420 N. Front Street, Suttons Bay, MI 49682  
**May 8, 2024 at 5:00 pm**  
**Regular Meeting Agenda**

1. Call to order
2. Roll call and notation of quorum
3. Approval of Agenda
4. Member conflict of interest on any item on the agenda
5. Approval of minutes January 10, 2024
6. Public comment/Written communications (Reserved time for items listed on the agenda). Please limit remarks to no more than three (3) minutes

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7. Unfinished Business
  - a. Wetland Ordinance Language-Continued Discussion
8. New Business
  - a. Zoning Ordinance Amendment Request
  - b. Housekeeping/Zoning Ordinance Amendment Discussion
9. Public comment
10. Reports
  - a. Zoning Administration Report
  - b. ZBA Report
  - c. Village Council Updates
11. Good of the order
12. Announcements: Next Regular Meeting June 12, 2024
13. Adjournment

If you are planning on attending this meeting and are disabled requiring any special assistance, please notify the Village Clerk by calling 231.271.3051 or by email at [suttonsbay@suttonsbayvillage.org](mailto:suttonsbay@suttonsbayvillage.org) as soon as possible.



VILLAGE OF SUTTONS BAY  
PLANNING COMMISSION  
420 N FRONT ST, SUTTONS BAY, MI 49682  
MEETING MINUTES OF JANUARY 10, 2024

The meeting was called to order at 5:00 p.m. by Vice-Chairperson Pontius.

Present: Steve Feringa, Richard Hylwa, Jared Pontius and Roger Suppes  
Absent: Gail Hetler and Frank Smith  
Staff present: Shar Fay, Sara Kopriva and Steve Patmore

Approval of agenda

Hylwa moved, Feringa seconded, CARRIED, to approve the agenda as presented.  
Ayes: 4, No: 0.

Approval of minutes

Suppes moved, Hylwa seconded, CARRIED, to approve the Planning Commission meeting minutes of December 13, 2023 as presented. Ayes: 4, No: 0.

Wetland Ordinance Language – Continued Discussion

Suppes noted that on page 14 and as a result of eliminating I., J. and K. need to be changed to I. and J. Commissioners asked if there was an alternative to a Wetlands Ordinance and Kopriva stated that a standard to maintain the natural wetlands can be put in the Zoning Ordinance.

Commissioners discussed issues that cause concern in the creation of a Wetland Ordinance; specifically:

- The number of applicable parcels that are not contiguous to the Township, the Great Lakes or Leo Creek
- Creating an ordinance that may have little impact
- The reality of creating a new board that has the expertise and qualifications necessary
- Reporting and record keeping

It was the consensus of Commissioners to have Kopriva determine the applicable wetland parcels and their size within Village jurisdiction. Following that determination, Commissioners will consider sending the proposed Wetlands Ordinance to Village Council to ascertain their interest in the ordinance. The Wetland Ordinance will be placed on the next meeting agenda as unfinished business.

#### Election of Officers

The following nominations for officers were made: Pontius nominated Hetler as Chairperson, Suppes nominated Pontius as Vice-Chairperson, and Pontius nominated Feringa as Secretary.

Suppes moved, Hylaw seconded, CARRIED, to accept the nominations and elect Hetler as Chairperson, Pontius as Vice-Chairperson and Feringa as Secretary. Ayes: 4, No: 0.

#### Planning Commission 2023 Annual Report

Feringa moved, Suppes seconded, CARRIED, to approve the Planning Commission 2023 Annual Report and recommend the report be sent to Village Council for acceptance. Ayes: 4, No: 0.

#### Reports

Zoning Administration Report – The report was submitted by Patmore and can found in the meeting packet. Patmore stated the it has not been a busy month for permitting. An inquiry was made by a civic organization that owns a single-family dwelling in the central residential area to modify it into a duplex for long term renting. In addition, Patmore and Kopriva had a pre-application meeting for a zoning ordinance amendment.

ZBA Report – Patmore stated the 13<sup>th</sup> Circuit Court upheld a decision made by the ZBA.

Good of the order – Kopriva stated if the Planning Commission doesn't have anything more for February's agenda other than the Wetlands Ordinance, the February meeting could be canceled. Commissioners concurred.

The meeting adjourned at 5:47 pm.

Meeting minutes submitted by Shar Fay, Clerk.

Date: 03.08.2024  
From: Sara Kopriva, AICP  
To: Village of Suttons Bay Planning Commission  
Project: Wetlands Amendment

i  
initiative

Following the January meeting, further research was done to determine if any of the wetlands within the Village would be unregulated and under 2 acres. Based on the data that is available, it does not appear that there are any in the Village. Since EGLE regulates all regulated wetlands and the Village cannot impose greater restrictions to filling within the wetlands, at this time a wetlands ordinance would not provide any additional opportunity to discourage filling of wetlands. As an alternative, the Village can enhance the existing wetlands language in the Zoning Ordinance.

Below (highlighted in yellow) is proposed language for setbacks to wetlands. Following review, the Planning Commission can determine if they would like to schedule a public hearing on the language.

Section 2-6 Environmental Protection

Notwithstanding anything to the contrary contained in this ordinance, the following provisions shall apply:

G. Wetland Protection.

- 1. Within 10 feet of a delineated wetland, an undisturbed area of vegetation shall be maintained and woody and native herbal species shall not be removed. Trees with a trunk diameter of three (3) inches at breast height, four and a half (4 1/2) feet or greater, shall not be removed unless dead or dying. Trees and other woody plant material of a smaller diameter at breast height shall not be removed.

2. Regulated Wetlands

An applicant planning to make any improvements or changes to a regulated wetland within the district must obtain a permit from EGLE, or successor agency, in accordance with Part 303 (Wetlands Protection) of the Natural Resources and

Beckett & Raeder, Inc.  
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Environmental Protection Act, 1994 PA 451 prior to submitting a site plan or land use permit application under this Zoning Ordinance.

3. Wetland Setbacks

For a regulated wetland, or for an unregulated wetland area which otherwise meets the criteria to be designated as a wetland, no structure or parking lot shall be constructed within twenty-five (25) feet of such wetland. However, recognized wetlands may be incorporated into a stormwater management strategy provided that the wetland values will not be impaired and provided further that incorporation of the wetland will provide a net ecological benefit to groundwater and surface water.

*i*  
initiative

Date: 03.08.2024  
From: Sara Kopriva, AICP  
To: Village of Suttons Bay Planning Commission  
Project: Amd 24-01 SFWR District Regulations

*i*  
initiative

An application of an amendment to the Single Family Waterfront Residential (SFWR) zoning district has been received by the Village. This is similar to an amendment request that the Village received in 2019 and determined to take no action on. Attached are the minutes of the decision and report.

This amendment proposes to change the intent section and reduce the spatial (setbacks and minimum lot) requirements in the SFWR district. The applicants complete report is attached, below are the changes in brief.

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

Below is the criteria for evaluating a zoning amendment from the Zoning Ordinance. Following initial review by the PC, a public hearing is required.

### Section 18-3 Zoning Ordinance Amendments

C. *Criteria for Text Amendments.* The following guidelines shall be used by the Planning Commission, and may be used by the Village Council, in consideration of amendments to the Zoning Map:

1. The proposed text amendment would clarify the intent of the ordinance.
2. The proposed text amendment would correct an error or oversight in the ordinance.
3. The proposed text amendment would address changes to the State legislation, recent case law or opinions from the Attorney General of the State of Michigan.
4. The proposed text amendment would promote compliance with changes in other County, State or Federal regulations.

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231 347 2524 fx

231 933 8400 ph  
231 944 1709 fx

616 585 1295 ph

*i*  
*initiative*

5. In the event the amendment will add a use to a district, that use shall be fully consistent with the intent of the district and the character of the range of uses provided for within the district.
6. The amendment will not create incompatible land uses within a zoning district, or between adjacent districts.
7. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
8. As applicable, the proposed change shall be consistent with the Village's ability to provide adequate public facilities and services.
9. The proposed change shall be consistent with the Village's desire to protect the public health, safety, and welfare of the community.

January 25, 2024

Sara Kopriva, Zoning Administrator  
Village of Suttons Bay  
PO Box 395  
Suttons Bay, MI 49682

**Re: Zoning Ordinance Amendment Request**

Ms. Kopriva,

On behalf of the applicant, Bahle Properties, LLC, the following represents proposed amendments to the language of the Suttons Bay Village Zoning Ordinance (Ordinance) for the consideration of the Planning Commission and Village Council. The proposed amendments are intended to reduce the prevalence of nonconforming lots within the Single-Family Waterfront Residential (SFWR) zoning district and limit the need for variances related to dimensional standards in the zoning district. Specific Ordinance language referenced below is shown in *italic text*, text to be removed shown in ~~strikethrough~~, and with proposed language shown in **bold italic text**.

Section 4-1 Intent and Purpose

Update intent language to reflect proposed changes to dimensional standards in the SFWR zoning district.

*C. Single-Family Waterfront Residential (SFWR). The SFWR district accommodates single-family detached development **on waterfront lots within the Village.** ~~on larger lots at the lowest density of the Zoning Ordinance, close to a half-acre minimum lot size.~~*

Section 4-3 Spatial Requirements

Modify Table 4-3 as shown on the following page to change dimensional standards in the SFWR district.



Table 4-3 Spatial Requirements - Residential Districts

Residential Districts	Min. Depth (ft.)	Min. Width/Frontage	Setbacks (feet)					Height of Primary (feet)	Stories	Building Coverage	Max. Impervious Coverage
			Primary Street Front	Side Street Front	Side	Rear/Alley	Lake Michigan				
CR	100	40/40	15-25 <sup>1</sup>	6 <sup>2</sup>	6	10	-	30	2.5	40%	50%
NVR	100	80/40	15	15	15	15	-	30	2.5	30%	40%
SFWR	200	100/100 90/90	25 20	25	15		50	30 (street) 40 (lowest grade)	2.5	Greater of 30% or 2,500 SF	Greater of 30% or 2,500 SF
HR	100	100/20	40	40	40	40	-	30, 40 for dwellings with walk out basement	2.5	Lesser of 40% or 8,000 SF	Lesser of 50% or 10,000 SF
WC	150	200/200	35	35	Lesser of 35 or height of bldg.		50	35	2.5	0.25	0.4

<sup>1</sup> For the CR district, the minimum setback is 15 feet and the maximum setback is 25 feet.

<sup>2</sup> The six (6) foot Secondary Street Front Setback is only applicable to the side of dwellings on corner lots. For instance, setbacks from Madison, Jefferson, Park, Adams, Grove, and Concord Streets may only be six (6) if the home faces the other street (Broadway, Lincoln, St. Mary's, Race, and Stratton). If facing the secondary street, two primary street front setbacks shall apply.

It should also be noted that the proposed amendments to Table 4-3 will necessitate changes to Figure 4-2 to illustrate the proposed changes to dimensional standards.

### Proposed Amendments – Narrative and Discussion

Members of the Planning Commission may recall that a similar Ordinance amendment request was made for the SFWR district in 2019. That proposed amendment was contemplated by the Planning Commission for over one year and resulted in multiple Village staff reports (Reports VSB-2020-10, VSB-2020-42, and VSB-2020-52) outlining several potential options for the Planning Commission to consider. Ultimately, the Planning Commission decided to take no action on the amendments proposed at that time.

In the time following this 2020 decision, the applicant has reassessed their options related to properties that they own within the SFWR zoning district and determined that a modified Ordinance amendment request would be the best course of action to meet their specific objectives while also addressing demonstrated issues within the current Ordinance. The applicants own two parcels with water frontage that are divided by existing road rights-of-way and have split zoning. The waterfront portions of these parcels (zoned SFWR) are similar in size to a majority of the lots that currently exist within the SFWR district, but can't be split from the parent parcels due to the current dimensional standards within the Zoning Ordinance. Adoption of the proposed Ordinance

amendments would benefit the applicant by making these potential lot splits viable, and also benefit the Village by reducing nonconformities on a large portion of the lots within the SFWR district.

#### Nonconformity and Dimensional Variances

As discussed previously in this document and in Village Report VSB-2020-10, changes to the Village Zoning Ordinance made in 1974, 1991, 2006, and 2018 have created a situation where a large portion of the parcels within the SFWR district do not conform to relevant dimensional standards. General best practices for community planning discourage zoning amendments that increase nonconformity, primarily to prevent the need for variance requests as part of the completion of standard, allowed development and construction. A variance is essentially a license to violate a specific Ordinance standard or regulation and improper or overuse of the variance process can undermine the integrity of an entire zoning ordinance. The *Michigan Zoning Guidebook for Citizens and Local Officials*, by Mark Wyckoff, FAICP, notes that “When a zoning board of appeals considers a variance, it is important that the board keep in mind that the variance authority is designed to provide relief to a property owner from an ordinance requirement that is uniquely affecting that property owner.” (emphasis added) When ordinance regulation changes result in a large percentage of nonconforming parcels within a zoning district, those regulations are no longer unique as they impact many pieces of property and become common. Wyckoff continues to state that when considering variances “If the ZBA finds that the problem is not unique, but common, amending the ordinance or a rezoning should be pursued by the applicant.” The applicants have attempted to initiate such amendments/rezoning with previous requests and continue to feel that this option best serves their needs, the owners of lots within SFWR district, and the Village.

#### Minimum Lot Depth

It is proposed that the Ordinance be amended to remove the minimum lot depth within the SFWR district. The current minimum lot depth permitted for lots within the SFWR district is 200’ which, according to rough measurements completed by Mansfield Land Use Consultants, only four (4) SFWR parcels meet. This represents only 9.3% of the 43 lots measured in the district. Due to the SFWR district including only lots along the water being served by existing streets, physical lot depths for these properties are essentially predetermined, making this standard unnecessary. It is recognized that minimum lot depth is used by the Ordinance (in conjunction with minimum lot widths) to define minimum lot sizes within all zoning districts, but the objectives of the SFWR district can be, and are, met through other dimensional standards such as maximum lot coverage and maximum impervious surface coverage. Eliminating the minimum lot depth requirement within the SFWR district would reduce nonconformity within the district and is made feasible by the existence of municipal water and sewer service in the Village.

Existing aesthetic character within the district varies, but much of the area is characterized by small cottages on narrow lots, with many existing parcels measuring at less than 80’ in width. Parcels of such small sizes can still meet water quality protection and character objectives of the SFWR district by complying with existing minimum lot coverage standards – i.e. the smaller a lot is, the smaller an

allowed structure must be, helping to maintain the small-scale residential character of the area while still allowing for the construction of new structures and additions where permitted.

The Ordinance currently prescribes an almost half acre minimum lot size (through minimum lot width and depth standards) for SFWR lots, which only 13 lots (30.2% of total) currently meet. Village Report VSB-2020-10 notes that this lot size is relatively large for Village residential areas served by municipal sewer and water, which lots in the SFWR district are.

#### Minimum Lot Width

Zoning Ordinance dimensional requirement changes adopted in 2006 (and carried through the 2018 Ordinance rewrite) were noted in Village Report VSB-2020-10 as increasing nonconformity within the SFWR district, contradicting the stated intent of the Village at the time to reduce nonconformity. Reducing the required minimum lot width in the SFWR district to 90' helps bring more of the district's lots into conformity with Ordinance standards, while, in conjunction with maximum lot coverage and side setback standards, maintains the general existing residential character of the area. Village Report VSB-2020-10 also notes that "...our dimensional standards appear restrictive considering they are serviced by sewer and water." The applicant's hope is that the Planning Commission and Village Council will recognize that the nonconformities created by the changes in the Ordinance's dimensional standards over past decades have limited flexibility for property owners and increased nonconformity within the SFWR district. The proposed reduction in minimum lot width seeks to strike a middle ground between the current minimum lot width (100') and the minimum lot width prescribed by the 1974 Village Ordinance (80').

#### Primary Street Front Setback

Due to the generally shallow lot depths present in the SFWR district, the current 50' water setback and 25' primary street front setback render many existing structures noncompliant and significantly reduce potential buildable area on undeveloped lots. This results in a situation where a large portion of the properties within the SFWR district would require variances from the dimensional standards of the Ordinance in order to complete even minor modifications to existing structures. (See earlier portion of this document for additional information on dimensional variances) In preparation of this amendment request, existing front setbacks of existing structures in the SFWR district were measured to the degree possible utilizing County GIS property data and aerial photography. Due to the limitations of the data used for measurement existing front setbacks were able to be measured for 33 SFWR lots. Setback measurements indicate that only 18 of the 33 lots examined (54.5%) meet current front setback standards. The proposed 20' front setback is intended to provide additional conformity within the district (21, or 63.6%, of measured lots would comply) and increase buildable area on lots following increases in water setbacks while maintaining the aesthetic character intended by the inclusion of the front setback within the Ordinance.

#### Criteria for Ordinance Text Amendments

The following portion of this document offers responses and justification for the proposed Ordinance amendments relating to the criteria for ordinance text amendments listed in Section 18-

3 of the Zoning Ordinance. Ordinance criteria is shown in *italic text* and responses are shown in regular text.

*C. Criteria for Text Amendments. The following guidelines shall be used by the Planning Commission, and may be used by the Village Council, in consideration of amendments to the Zoning Map:*

1. *The proposed text amendment would clarify the intent of the ordinance.*  
The proposed amendments offer slight modification to the SFWR district intent passage and would help to increase conformity of the few undeveloped parcels within the zoning district, allowing for accomplishing the intent to provide for single-family residential development in the district.
2. *The proposed text amendment would correct an error or oversight in the ordinance.*  
The proposed amendments would help correct errors or oversights made during past changes to the SFWR district, as identified in Village Report VSB-2020-10. As previously discussed in this document, prior changes were intended to decrease nonconformity within the SFWR district, but actually increased levels of nonconformity.
3. *The proposed text amendment would address changes to the State legislation, recent case law or opinions from the Attorney General of the State of Michigan.*  
There are no recent changes to State legislation, case law, or Attorney General opinions that are relevant to this request.
4. *The proposed text amendment would promote compliance with changes in other County, State or Federal regulations.*  
There are no known changes to County, State, or Federal regulations that the proposed amendments would promote compliance with.
5. *In the event the amendment will add a use to a district, that use shall be fully consistent with the intent of the district and the character of the range of uses provided for within the district.*  
No new uses are proposed within the SFWR district as part of this amendment request.
6. *The amendment will not create incompatible land uses within a zoning district, or between adjacent uses.*  
As there are no new uses proposed, the amendment will not create incompatible land uses within the zoning district.
7. *The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements, and similar technical items.*

As previously mentioned in this document, the proposed amendments are supported by the previously completed Village Report VSB-2020-10 and the recommended best planning and zoning practices outlined in the *Michigan Zoning Guidebook for Citizens and Local Officials* by Mark Wyckoff.

8. *As applicable, the proposed change shall be consistent with the Village's ability to provide adequate public facilities and services.*

As the SFWR district is served by existing infrastructure (roads, utilities, etc.), the proposed amendments do not place an undue burden on the Village's ability to provide adequate public facilities and services.

9. *The proposed change shall be consistent with the Village's desire to protect the public health, safety, and welfare of the community.*

The proposed amendments do not contemplate changes that impact the protection of the public health, safety, and welfare of the community. No new, conflicting land uses are proposed within the amendment and the proposed changes would not result in development that substantially differs from the existing conditions and character within the SFWR zoning district. Additionally, other Zoning Ordinance and regulatory agency regulations remain in place to protect human and environmental safety in the district.


The applicants and I look forward to discussing this proposal with you and the Planning Commission at an upcoming meeting and feel that the proposed amendment language will benefit not only the applicant, but the Village as a whole.

Should you have any questions, please feel free to call me at (231) 946-9310 or email me at [dusty@maaeps.com](mailto:dusty@maaeps.com).

Sincerely,  
Mansfield Land Use Consultants



Dusty Christensen, LLA

		<b>VILLAGE OF SUTTONS BAY</b> REPORT VSB -2020-10	
Prepared:	February 6, 2020	Pages:	1 of 4
Meeting:	February 12, 2020 Planning Commission	Attachments:	<input type="checkbox"/>
Subject:	Lakefront Lot Summary		

PURPOSE

The Planning Commission requested that Staff perform a Lakefront Lot Dimensional study as identified in Report VSB-2019-79. There were several variables to consider in determining how the new zoning ordinance standards came to be and how the current standards best fit the Village. The intent of this report is to provide a brief summary of our findings.

BACKGROUND

The Village adopted its first "official" Zoning Ordinance in 1974, officially repealing the Interim Zoning Ordinance adopted in 1970. The dimensional lot standards were essentially the same as those in the interim ordinance therefore, we did not incorporate those standards into the study. The chart below, identifies various dimensional standards and how they have evolved over the last 45 years along the Villages waterfront district.

TABLE 1 – Lakefront Lot Dimensional Standards

Year	Lakefront District	Minimum Lot Area (SF)	Minimum Lot Width	Maximum Lot Depth	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Waterfront Setback
1974	MDR	9,600	80	N/A	30	10	30	30
1991	MDR	10,000	40	N/A	35	15	40	40
2006	SFW	20,000	100	200	25	15	50	50
2018	SFW	20,000	100	200	25	15	50	50

In reviewing Table 1, it appears that the Village created numerous nonconformities with the adoption of the 1974 ordinance, and looked to correct that mistake in 1991 by reducing the minimum lot width by 40 feet. An increase in setbacks was likely to offset or lessen the burden on neighboring properties and/or to ensure emergency services were taken into consideration.

Interestingly, the change in dimensional zoning standards from 1991 to 2006 was contrary to the statements made by the planning commission who correctly felt "....that the purpose of the Rewrite was to bring everything into conformity; to create less non-conforming uses." This was not the result, rather, the zoning change produced an increase in non-conformities along the lakefront making it more difficult to improve or expand a resident's structure. The dimensional standards were then transferred to the 2018 Ordinance.

agenda - no ePacket

PLANNING COMMISSION

STAFF COMMENT

The information provided in Table #1 shows the progression of the minimum lot area required to create a new parcel. Although the increase in size from 1991 to 2006 is substantial the size itself is not that uncommon. The 20,000sf lot area is common along lakeshores and residential single-family districts in this region however they typically lack water and sewer services. Due to the number of non-conformities formed during the change there may be an opportunity to adjust the standards to benefit current land owners.

WATERFRONT REGULATIONS

Single-family residentially zoned properties vary from community to community. Although there are underlying reasons for the size difference there are typically only a handful of variables that dictate residential lot sizes along waterfront properties. For comparison purposes, we researched lakefront communities that permitted single family residential along their shorelines and compared them below.

TABLE 2 – Lakefront Dimensional Standards

Municipality	Lot Area	Minimum Lot Depth	Lot Width	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Waterfront Setback
Bingham Twp.	43,560	N/A	150	40	10	30	30/40
Centerville Twp	22,000	N/A	100	40	10	15	15
Cleveland Twp	30,000	N/A	150	40	10	10	75
Elmwood Twp	12,500	N/A	100	30	10	25	30
Empire	30,000	N/A	100	40	10	10	N/A
Glen Arbor	15,000	N/A	100			15	40
Leland	15,000	N/A	100	40	10	25	N/A
Suttons Bay Township	43,560	N/A	150	40	10	30	50
Kasson (Cedar)	10,000	100	50	25	10	25	N/A
Village of Empire	6,250	100	50/100	10 min 20 max	5	10	N/A
Village of Bellaire	6,000	N/A	50	15	5	10	25
Village of Ellsworth	12,000	N/A	60	25	10	10	50
Village of Northport	15,000	N/A	100	35	20	30	N/A
Village of Suttons Bay	20,000	200	100	25	15	50	50

PLANNING COMMISSION

STAFF COMMENT

Of the 13 communities researched, only 5 of those communities require a larger minimum lot size than the Village of Suttons Bay. Based on the information in Table #2 other communities appear to have already adjusted their parcel size, minimum lot width and setbacks to reflect the needs of their community. From a comparison standpoint, our dimensional standards appear restrictive considering they are serviced by water and sewer.

VILLAGE RESIDENTIAL REGULATIONS

There were several red flags regarding the residential districts within our community some of which we will discuss at a later date. We will narrow our focus to our dimensional standards as they exist today within our residential districts. The Village currently has three single -family zoning districts, which are described in brief, as follows:

- 1) Central Residential – this district is located within “the original street grid system and allows the lowest possible lot sizes”.
- 2) Newer Village residential - which is intended to house “medium density residential lots”
- 3) Single Family Waterfront district - intended for “larger lots, close to a half-acre minimum”

This report has largely focused on waterfront districts however it helps to be able to visually identify these parcels as we move forward. As with comparing our lot sizes to neighboring communities it is also important to look at our residential dimensional standards as a whole also.

Table #3 – Residential Districts Dimensional Standards

Village Residential Districts	Minimum Lot Area	Minimum Lot Depth	Minimum Lot Width/Frontage	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Waterfront Setback
CRD	4000	100	40	15-25	6	10	
NVR	8000	100	80	15	15	15	
SLW	20000	700	100	25	6		50
HR	10000	100	100	40	40	40	
WC	30000	150	200	35	40		50
NG	7200	100	60	15	10	10/15	50
SG	7200	120	60	15	10	10/15	50

STAFF COMMENT

As we noticed in Table #2, our lakefront lots are among the largest along the lakeshore at 20,000 sf. Again, that size is common however it is more common among smaller inland lakes rather than the much larger Lake Michigan. Interestingly, Table #3 identifies a far more intense, multi-family residential district (WC)



## PLANNING COMMISSION

that is permitted with comparable dimensional standards. Bayview is another multi-family district (not listed) with a far more intense use than that of single family.

## CONCLUSION

The changes to the Ordinance from 1991 to 2006 were quite drastic for an area that was largely developed at the time and served by water and sewer. In addition, it is also likely that property non-conformance, and property owner burden was a secondary concern to their reasoning. Regardless, if the Planning Commission desires to change various dimensional standards within the Single-Family Waterfront District, they are justified to do so however any changes should consider lessening the non-conformities rather than creating more of them.

From the research performed, the Planning Commission should consider the following:

1. The Planning Commission could ask Staff to *recommend new dimensional standards* for the district.
2. The Planning Commission may choose to *decrease the dimensional standards* to lessen the non-conforming parcels created by the 2006 zoning ordinance.
3. The Planning Commission could choose to *leave the district standards as is* and not modify them at this time.

## OTHER CONSIDERATIONS

The Village incorporates a minimum lot depth. This standard further complicates lot area and is not needed or used in most communities. The state requires any new parcel to comply with a 4:1 width to depth ratio, therefore, it is unnecessary standard that should be eliminated throughout the Ordinance.

change over time, the decision making process and factors considered in an interpretation decision should not).

9. After consideration of all of the above guidelines, and where the legislative intent of a provision is unclear and the facts cannot be clearly read to support only one interpretation of questioned provisions, the benefit of doubt should be extended to the property owner.

The following additional measures will help prevent ordinance interpretation questions:

- The zoning ordinance should have clear and simple zoning ordinance provisions. All key terms and phrases should be carefully defined, and used consistently throughout the ordinance. This will greatly reduce the likelihood of a ZBA having to interpret particular provisions.
- Review the zoning ordinance periodically with an eye to identifying unclear provisions and to correct any deficiencies.
- Include statements of clear legislative intent at the start of each zoning district and each zoning process (such as special land uses).

Source: "Zoning Ordinance Interpretation" *Planning and Zoning News*, October, 1986, pp. 7-9.

## Variations

### General Procedural Elements

A variance is the grant of specific authorization by the ZBA to utilize a lot, parcel or structure in violation of ordinance requirements when certain findings have been made. In effect, a variance is a license to violate a specific zoning ordinance requirement. Clearly variances need to be carefully considered and under normal circumstances should be rarely granted. Improperly granting variances can quickly undermine the integrity of the entire zoning ordinance.

In effect, a variance is a license to violate a specific ordinance requirement.

There are two types of variances: *use* and *nonuse*. A nonuse variance is often called a *dimensional* variance and usually deals with setback, height or lot area requirements. A use variance permits a use of land on a parcel that otherwise is not permitted in that district by the zoning ordinance. While use variances have always been authorized for use by ZBA's in cities and villages, they now may be used in those "townships and counties that as of February 15, 2006 had an ordinance that uses the phrase 'use variance' or 'variances from uses of land' to expressly authorize the granting of use variances by the zoning board of appeals" or in those "townships and counties that granted a use variance before February 15, 2006." (Section 604(9), MCL 125.3604(9)).

Many zoning scholars consider use variances inappropriate, because in effect, they rezone property without going through the amendment process, thereby usurping the power of the legislative body. That is also why the legislative bodies in many cities and villages already prohibit the ZBA from granting use variances. Township boards and county boards of commissioners are now expressly permitted to prohibit ZBAs from granting use variances.

Improperly granting variances can quickly undermine the integrity of the entire zoning ordinance.

Instead of keeping the zoning ordinance up-to-date, some cities and villages utilize the use variance as a *band-aid*. Instead of creating districts with a proper range of permitted uses, or to avoid the public scrutiny that usually surrounds a rezoning, the ZBA may be asked to grant use variances as an *easier* approach. This is an inappropriate application of the use variance authority.

There is, however, one instance where local units of government with use variance authority may be advised to grant a use variance. This is when the applicant demonstrates that no reasonable use may be

made of a parcel as it is presently zoned (i.e. that it cannot be used for any of the uses permitted in the existing zoning district) and that reasonable efforts to get the property rezoned or to obtain approval for another use (such as by a special use permit or PUD) have all been rejected. Failure to grant a use variance under these facts could be tantamount to a taking, which under United States and Michigan Supreme Court decisions, would require compensation. Local units of government are advised to not grant use variances under other circumstances.

### Alternative to Use Variances

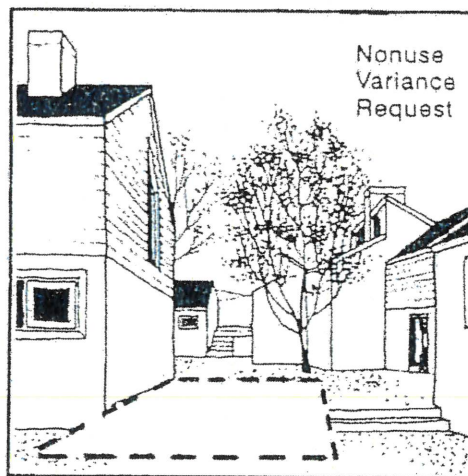
Instead of use variances granted by the ZBA, some communities try to use the conditional rezoning process. However, this approach does not give much control to the local unit of government because only the developer can offer conditions on a rezoning. As a result, more and more communities are using a variation of the PUD process if takings issues are raised. These are sometimes called *hardship PUDs*. They are authorized by separate provisions added to the zoning ordinance. The final decision is then made by the legislative body and the ZBA is not involved. There are two big benefits of this approach.

First, the final decision is made by elected officials who would be accountable in the end for a ZBA decision anyway. (Is it not better that elected officials make the final decision when possible monetary damages are on the line?) Second, the PUD process is much more amenable to considering a takings claim than the standards that have evolved by courts under use variance decisions.

See article on hardship PUDs in *Planning & Zoning News*, February 1997, pages 10-14.

When a zoning board of appeals considers a variance request, it is important that the board keep in mind that the variance authority is designed to provide relief to a property owner from an ordinance requirement that is uniquely affecting that property owner. It is not designed as a

technique to grant special favors to some persons, or as a tool to solve a problem shared in common with other properties. When a problem is common, the appropriate solution is amendment of the text of the ordinance so all similarly situated property owners are treated equally.



Expansion of a building into a required yard is a violation of the ordinance unless a dimensional (nonuse) variance is granted.

Often people will claim that a variance will allow them to make more money from the property, but this is not a legitimate reason for a variance. Zoning is not designed to permit the most profitable use of land, although reasonable use of property must be permitted.

### People Involved & General Procedures

The people involved in a variance request and the general procedures followed are the same as for an appeal (as described in the previous section).

### Sample Checklist to Guide Decisions on Dimensional Variances

The most common requests for a variance arise from specific dimensional requirements of the ordinance, such as yard requirements, setback lines, lot coverage, height and frontage requirements, and density regulations.

Where there are *practical difficulties* preventing a property owner from conforming with the strict letter of the ordinance, the ZBA has the power to grant nonuse or dimensional variances. Typically, the following circumstances must exist:

1. Dimensional zoning requirements cannot be met on an existing lot due to narrowness, shallowness or irregular shape, or the topography or natural characteristics of the site (such as a wetland, floodplain, bedrock condition, etc.) inhibit the lawful location of a principal or accessory structure (such as a septic system garage shed)
2. The problem creates a practical difficulty which is unique (because of the above or similar reasons) and is not shared by neighboring properties in the same zone. If the ZBA finds that the problem is not unique, but common, amending the ordinance or a rezoning should be pursued by the applicant.
3. The practical difficulty was not created by an action of the applicant. It either existed at the time of adoption of the requirement from which the variance is requested, or is necessary as the result of governmental action such as a road widening. A self-created hardship is not typically a valid basis for a variance.
4. The appellant presents information showing that the requested variance:
  - (a) Will not be contrary with the intent and purpose of the zoning ordinance;
  - (b) Will not cause a substantially adverse effect upon adjacent properties;
  - (c) Will relate only to the property under control of the appellant;
  - (d) Will not essentially alter the character of the surrounding area;
  - (e) Will not increase the hazard from fire, flood or similar dangers; and
  - (f) Will not increase traffic congestion;
5. The variance is the minimum necessary to permit reasonable use of the land and buildings for activities permitted in the zoning district.

The Michigan Court of Appeals has applied similar principles (widely

recognized in many other state courts) in variance cases:

1. To obtain a dimensional variance, the applicant must show *practical difficulty* by demonstrating that:
  - (a) Strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome;
  - (b) A variance would do substantial justice to the applicant as well as to other property owners in the district, and that a lesser relaxation would not give substantial relief and be more consistent with justice to others;
  - (c) The plight of the owner is due to unique circumstances of the property; and
  - (d) The problem was not self-created.
2. The ZBA must ensure that the "*spirit of the zoning ordinance is observed, public safety secured and substantial justice done.*" (Section 604(7), MCL 125.3604(7)).

Note: Typically this means if (d) is false, the decision is *No*. If (d) is true, and (b) and (c) are true, the decision is probably *Yes* (in this case, (a) is probably also true). If the applicant only meets (a) and the problem is not self-created (d), the decision is probably *No*. See: *National Boatland v. City of Farmington Hills*, 147 Mich App 380 (1985).

#### Sample Checklist for Decisions on Use Variances

Decisions on use variances in those communities in which use variances are permitted by statute, and in which the zoning ordinance specifically grants the ZBA use variance authority, require a concurring vote of 2/3 of the full membership of the ZBA (Section 604(10), MCL 125.3604(10)). This statutory requirement should demonstrate the significance of the use variance authority, how rarely it should be used and how hard it should be to get approval. Remember, a use variance allows a land use in a location that the ordinance otherwise prohibits. Many experts believe



VILLAGE OF SUTTONS BAY  
PLANNING COMMISSION  
MEETING MINUTES OF NOVEMBER 12, 2020

The meeting was called to order at 5:30 p.m. by Chairperson Hetler.

Present: Hetler, Hylwa, Pontius, Ostrowski, Smith and Suppes  
Absent: Danielson  
Staff present: Fay, Larrea, Petroskey and Couturier, Zoning Administrator

Approval of Agenda

Smith moved, Pete seconded, CARRIED, to approve the agenda as presented, by an affirmative unanimous roll call vote. Ayes: 6, No: 0.

Member Conflict of Interest on any item on the Agenda

Roger Suppes and Frank Smith declared a possible conflict of interest relative to Agenda Item #7, Waterfront District, due to being employed by the Bahle Family. Ostrowski moved, Hylwa seconded, FAILED, to accept the recusals of Roger Suppes and Frank Smith as it relates to Agenda item #7, Waterfront District, by an opposing unanimous roll call vote. Ayes: 4, No: 0.

Approval of minutes

Suppes moved, Ostrowski seconded, CARRIED, to approve the Planning Commission meeting minutes of October 14, 2020, by an affirmative, unanimous roll call vote. Ayes: 6, No: 0.

Public Comment

Rick Andrews of 345 S. Shore Drive thanked the Planning Commission for their work on the Waterfront project and stated the Waterfront District Evaluation report was well done.

Report VSB-2020-52 Waterfront District

Smith moved, Suppes seconded, CARRIED, that following the evaluation of the zoning ordinance as it relates to the minimum lot size, minimum lot width, and/or related setbacks in the Single Family Waterfront District, it was determined that no action to amend the zoning ordinance will be taken at this time, and for reasons stated in VSB Report 2020-52 and being made a part of this motion, by an affirmative unanimous roll call vote. Further discussion is warranted on eliminating minimum lot depth, which will take place at the Master Plan level. Ayes: 6, No: 0.

Fence Form discussion

Provided in the packet were examples of fence forms that could assist in showing an applicant's intent. The examples are a tool for consideration of adding additional regulations on fences to the Zoning Ordinance. Larrea stated the importance of having standards in the downtown area.

This would be a small amendment to the Zoning Ordinance if Commissioners support the amendment. Commissioners agree that fence form regulations should be discussed further at the next Planning Commission meeting. Larrea encouraged Commissioners to look around at other fences within the Village.

Report VSB-2020-60 Annual Budget

Suppes moved, Smith seconded, CARRIED, to recommend to Council the adoption of the proposed 2021 Planning Commission budget, by an affirmative unanimous roll call vote. Ayes: 6, No: 0.

Reports

Zoning Administration report

Couturier reported a minor amount of permitting this month.

ZBA Report

Couturier reported Bylaws and the ZBA budget as agenda items at the next ZBA meeting.

Managers' Report

Larrea stated staff have been working on the 2021 Annual budget. The budget for the Planning Commission is similar to last year. Later into next year Commissioners will embark on a new Master Plan. The TAP Grant will be closed out soon. MDOT is working on securing funding to mill and repave downtown sometime in the next couple of years. Installing erosion control at the fishing pier near Inland Seas is complete. Staff have been working on closing out projects.

Village Council updates

Suppes stated an Elm Street proposal has been accepted, which will be completed in the Spring/Summer. This project would allow the Village to seek out other funding for the culverts on Elm Street.

Good of the order

Hetler requested a follow up to the Parks and Rec discussion be placed on the next Planning Commission agenda.


Adjournment

Smith moved, Suppes seconded, CARRIED, to adjourn the meeting. Ayes: 6, No: 0.

The meeting adjourned at 6:03 p.m.

Meeting minutes submitted by Shar Fay, Village Clerk.

PLANNING COMMISSION

		<b>VILLAGE OF SUTTONS BAY</b> <b>REPORT VSB -2020 - 52</b>	
Prepared:	11-3-20	Pages:	1 of 1
Meeting:	11-12-20	Attachments:	<input checked="" type="checkbox"/>
Subject:	Waterfront District Evaluation		

**OVERVIEW**

At a meeting of the planning commission it was requested of Staff to review the Single-Family Waterfront Residential district (SFWR) and determine if the current dimensional standards warranted a reduction. During the course of this review, the Planning Commission has considered a number of individual factors, which were then weighed as part of a broader evaluation. Staff will touch briefly on some of the more pertinent findings and observations as we worked through the process.

**HISTORIC ZONING**

The Village adopted its first “official” Zoning Ordinance in 1974, repealing the Interim Zoning Ordinance adopted in 1970. The dimensional lot standards were essentially the same as those in the interim ordinance therefore, we did not incorporate those standards into this evaluation.

TABLE 1 – Lakefront Lot Dimensional Standards

Year	Lakefront District	Minimum Lot Area (SF)	Minimum Lot Width	Minimum Lot Depth	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Waterfront Setback
1974	MDR	9,600	80	N/A	30	10	30	30
1991	MDR	10,000	40	N/A	35	15	40	40
2006	SFW	20,000	100	200	25	15	50	50
2018	SFW	20,000	100	200	25	15	50	50

In reviewing Table 1, one can observe the drastic shifts in dimensional standards along the lakeshore that would result in properties ranging in area from 3,500 sf to nearly 173,000 sf (0.07 acres to 3.97 acres). The 2006-dimensional changes were among the most drastic of changes, ultimately doubling the minimum lot area and more than doubling the minimum lot width requirement. Changes of this magnitude will always result in non-conformities. In observing the minimum dimensions of properties along the lakeshore, the following was noted:

- 30 of 43 properties meet the current **minimum lot width** of 100 feet
- 16 of 43 properties meet the current **minimum lot depth** standard.
- 14 of 43 properties meet the current **minimum lot area** standard of 20,000 feet
- 3\* of 43 properties are **vacant** (2 of 34 possible)
- 2 of 4 **vacant** properties would require numerous variances to be developed

The high number of non-conformities associated with the minimum lot area is a clear indication that the dimensional changes, were instituted following a near buildout of waterfront properties. Whether this was a coincidence or an indication of a desire to protect the water from increased density at the time is unknown but likely. Instituting such a large change at the time is probably the most effective way to limit some of the larger parcels from redeveloping into (single family) condominium developments.

\* One parcel would require further research to determine if it is a separate parcel, however, the result is irrelevant to the evaluation.

### WALKING AUDIT

A walking audit, performed by the entire planning commission was intended to educate commissioners on the physical makeup of properties along the lake shore. This exercise would provide commissioners with an understanding of how many properties were vacant, how the various lot sizes are viewed in relation to others and if changing the minimum dimensional standards was warranted.

Four parcels were observed to be vacant. One parcel meets all the current standards and is clearly a buildable lot from an observational standpoint. The other parcel, meets the minimum lot width, yet cannot meet the minimum lot area and is burdened by the minimum lot depth requirement, which I will touch on later in this report. This parcel is clearly larger than those adjacent to the property and with the exception of current zoning standards, appears to be buildable.

In observing home placement and how they relate to one another, homes appear to be somewhat uniformly placed, which is an indication that the redevelopment of this area has yet to occur. Some homes were observed to be located noticeably closer to the water than others, which means they were either built prior to 2006 or they received a variance. Home placement and varying lot sizes do not appear to be an issue, rather, it seemed to bring a uniqueness to the district. In fact, would argue that this lack of uniformity and irregularity in lot size is what makes this area more desirable than other lakefront locations.

### PUBLIC COMMENT

During the public comment portion of the September Planning Commission meeting, one individual spoke in favor of changing the district standards, while several residents currently living in the Single-Family Waterfront Residential District, spoke against any potential changes. Those residing within the neighborhood voiced their concerns and identified increased traffic, lack of demonstrated need, and environmental impact, as reasons they are opposed to the changes. In addition, they felt discussions on the changes were unwarranted and lacked a community benefit, more specifically, the waterfront community.

Following a brief discussion on the report, the planning commission agreed to perform a walking survey to allow further community input prior to moving forward. The results were very informative and public sentiment seemed to support those opposed to the changes. We will discuss that further along in this report.

### WALKING SURVEY

With the availability of technology, walking surveys are no longer common in the planning world, yet their effectiveness remains high, even during a pandemic. The survey would have a dual purpose of informing residents of the planning commission efforts and allowing residents the ability to voice their concerns or support in changing the dimensional standards. Planning Commissioners were able to secure 22 responses of the 43 properties, which means 51% of those living within the waterfront district responded to the survey. The results of the survey were as follows:

#### MINIMUM LOT WIDTH (100 ft) -

- 19 of 21 respondents felt the minimum lot width of 100' was "just fine"
- 2 of 21 respondents felt it was "too high" –

OBSERVATIONS -The two respondents who felt the minimum lot width of 100 ft was too high met the minimum 100 ft requirement.



#### MINIMUM LOT AREA – 20,000 sf. -

- 16 of 21 respondents felt the minimum lot area of 20,000 sf was “just fine”
- 4 of 21 respondents felt it was “too high”
- 1 of 21 felt it was “too low”

#### OBSERVATIONS –

- Only 1 of the 3 respondents who felt the **Minimum Lot Width** was “too high” felt the **Minimum Lot Area** of 20,000 sf was “too low”.
- Only 1 of the 3 respondents who felt the **Minimum Lot Width** was “too high” felt the **Minimum Lot Area** of 20,000 sf was “too high”.

#### MINIMUM 15’ SIDE YARD SETBACK

- 18 of 21 respondents felt the 15-foot side yard setback was “just fine”
- 2 of 21 respondents felt it was “too high”
- 1 of 21 felt it was “too low / just fine”

#### OBSERVATIONS –

- Only 2 of the 3 respondents who felt the Minimum 15-foot side yard setback was “too high” felt all other standards were “just fine”
- One respondent answered by marking both too low & just fine. This respondent felt all other standards were “just fine”

#### MINIMUM 50’ WATERFRONT SETBACK

- 17 of 21 respondents felt the 50-foot waterfront setback was “just fine”
- 3 of 21 respondents felt it was “too high”
- 1 of 21 did not respond but felt all other standards were “just fine”

#### OBSERVATIONS –

- Two respondents who felt the Minimum 50-foot waterfront setback was “too high” also felt the minimum lot area of 20,000 sf was “too high”

#### Conclusion

Regardless of the outcome of this survey, these results should not in and of themselves determine if an amendment is justifiable, but rather be considered as one part of a broader evaluation. In this case, there appears to be a definitive neighborhood desire to leave the dimensional standards as they are today. It is common for these types of surveys to be challenged, which in this case is *irrelevant* considering this is a Village initiative to determine if a change is warranted.

#### **MASTER PLAN CONSISTENCY**

A change in the dimensional standards or any significant change that could affect the district in its entirety should be consistent with the intent and purpose of the adopted Master Plan. This guide or blueprint for the future, was created by the planning commission following significant public input and should be highly regarded. The Master Plan discusses the desires of the community, which appear to be mostly focused on maintaining the factors that make the Village unique. Discussions on increasing waterfront density or lowering dimensional standards along the lakefront portion of the district are largely absent. Therefore, a lack of public policy to support changing the minimum dimensional standards in their entirety, would not

be supported at this time. Please note, the Village will embark on the creation of a new Master Plan in 2021/2022 in which this issue could be discussed further, if desired.

### ZONING ORDINANCE

District dimensional changes would have been contemplated during the creation of the “new” zoning ordinance, which was adopted in 2018. As indicated in Table 1 of this report, the district minimums have been rather consistent since 2006. This is an indication that the Village found the dimensional standards to be adequate and therefore, simply carried the standards over without change. Amending the ordinance to allow an increased density or lower dimensional standards along the lakefront at this time, may be viewed as an attempt to circumvent the process and should be avoided. The type of change considered should be supported by the Master Plan or at a minimum discussed at that level.

The Village incorporates a *minimum lot depth* within the 2006 zoning ordinance and re-incorporated into the 2018 zoning ordinance. This standard further complicates lot area sizes and is not a typical standard in zoning ordinances. The inclusion of this standard shows a lack of zoning knowledge when drafting the 2006 ordinance and should have been eliminated in the current 2018 Ordinance. The State of Michigan regulates parcels at the time of their creation and requires any new parcel to comply with a 4:1 depth to width ratio, therefore, it is an unnecessary standard that should be eliminated throughout the Ordinance. The elimination of this overly burdensome standard is recommended.

### FINAL REPORT CONCLUSION AND RECOMMENDATION:

The historic changes (in dimensional standards) clearly indicate there was a desire to create uniformity on lakefront lots, create space, and likely allow for updated septic systems and modern wells. One would also argue that the larger parcels would benefit and further protect the lake, which is typically the driving force behind lakefront property studies, and what makes this study unique. The Village has the infrastructure in place (water/sewer) to allow an increase in density along our lakeshore, however, the location, demonstrated need and/or desire to do so does not appear to be supported by any adopted policy as of this time. In addition, higher density residential is already permitted along our lakeshore and a sense of balance appears to already have been achieved.

As previously stated, most properties along the lakeshore are older and smaller than the current district standards. One would argue that a change to the district minimum is therefore warranted, however, that is not the case. An argument against a standard that was amended into the ordinance in 2006 and re-adopted into the ordinance in 2018 is without justification. The Village should always consider whether conditions in or around a district have changed to justify lowering a districts minimum lot size, area and/or setbacks, however, conditions to warrant such a change are largely absent. In addition, and as stated above, significant adjustments to the district dimensional standards were not recommended by the Planning Commission or Village Council when the current zoning district was evaluated and adopted in 2018. Additionally, when the subject came to the attention of the property owners in that district, they spoke against any changes that would increase density in their neighborhood. Although not surprising, it further solidifies the need for community input and for the Master Plan to support a change of this magnitude.


There are instances that can exist in which changes, upon proof of a real public need, substantially changed conditions in the neighborhood, or to effectuate important goals, objectives, policies, and strategies of the Master Plan are realized. The changes contemplated within this report do not fit within the spectrum of scenarios mentioned, therefore, it would not appear appropriate for the Planning Commission to consider changing the zoning ordinance at this time.

The following motion is offered for consideration:

THAT the Planning Commission, after evaluating the zoning ordinance as it relates to the minimum lot size, minimum lot width, and or related setbacks in the Single Family Waterfront District, has determined that *no action* to amend the zoning ordinance will be taken at this time, and for reasons described in VSB Report 2020- 52 and being made a part of this motion.

ATTACHMENTS

- Survey spreadsheet
- Compiled survey comments

		<h2 style="margin: 0;">VILLAGE OF SUTTONS BAY</h2> <h3 style="margin: 0;">ZONING REPORT</h3>	
Prepared:	5/03/2024	Pages:	1 of 1
Meeting:	May PC & Council	Attachments:	0 <input type="checkbox"/>
Subject:	Zoning Report for April 2024		

**LAND USE PERMITS ISSUED**

DATE	TOTAL	NEW HOMES	ADU	ALTERATIONS ADDITIONS	ACCES. STRUCT.	FENCE	COMMERCIAL, SIGNS / OTHER
<b>Mar/Apr 2024</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Year To Date</b>	<b>8</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>2</b>

- LUP 24-005     Owner Occ. Rental (B&B)     300 W. Grove St.
  - LUP 24-006     New Single-Family Dwelling     317 N. Mary's St.
  - LUP 24-007     New Single-Family Dwelling     110 W. Summerset
  - LUP 24-008     Accessory Dwelling Unit     209 N. St. Mary's
- Revisions to existing permit.  
Several permits in-progress

**STAFF REPORT**

- Inquiries on Land Use Permits, platted lots, signs, fences, zoning.

**FUTURE ACTION REQUESTED:**

Discuss the ordinance requirement for a minimum of 1.5 stories for a dwelling in the BayView (BV) Zoning District.