



VILLAGE OF SUTTONS BAY
ZONING BOARD OF APPEALS
Wednesday, June 21, 2023 5:30 PM
Suttons Bay Village Hall
420 N. Front Street
Suttons Bay, MI 49682

AGENDA

1. Call to Order
2. Roll Call and Notation of Quorum
3. Conflict of Interest
4. Approval of the Agenda
5. Approval of Meeting Minutes – May 17, 2023
6. Public Hearing
Variance Request: The applicants, William & Kristin Crackel, are seeking a variance for property located at 418 N. S. Mary's, Parcel ID# 043-777-383-00, located in the Central Residential District. Specifically, the request is for an 8-foot variance of the primary street front setback for construction of a covered porch.
7. Public Comment/Written Communications (concerning items not on the agenda)
8. 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 suttonsbay@suttonsbayvillage.org as soon as possible.



VILLAGE OF SUTTONS BAY
 ZONING BOARD OF APPEALS
 MEETING MINTUES OF MAY 17, 2023

The meeting was called to order at 5:35 p.m. by Chairperson Popke.

Present: Bahle, Hassevoort, Perkins (arriving at 5: 38 p.m.), Popke and Smith
 Staff present: Fay and Patmore

Approval of Agenda

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

Approval of Meeting Minutes

Bahle moved, Smith seconded, CARRIED, to approve the April 19, 2023, Zoning Board of Appeals meeting minutes as presented. Ayes: 5, No: 0.

Public Hearing – Variance Request: The Applicant, The Friendship Community Center, is seeking a variance request for property located at 201 Broadway, Parcel ID #043-825-019-00, located in the New Village Residential District. Specifically, the request is for a variance from the side yard setback from 15 feet to 3.8 feet, and a variance from the max coverage from 30% to 55%, and a variance of the max impervious coverage from 40% to 55%.

Chairperson Popke advises of the majority requirement found in the ZBA Bylaws Section 2G.6. Applicant advises to move forward with the public hearing.

Applicant Rebekah Tenbrink, on behalf of the Friendship Community Center, provided a handout (The Center) to board members, and stated the variance request was to extend bathrooms and make them ADA compliant, relocate the kitchen, create a community room, update the building and move the offices in the basement to the main level, and demo the basement adding insulation and waterproofing. The current unusable crawlspace will be updated as support for the addition and provide additional storage. The plan is to remove the outside steps on the northeast side. The Center will be pursuing grant funding.

Zoning Administrator Steve Patmore stated the proposed addition will line up with the structure already there and will be no closer to the lot line than it already is. The property is located in the Newer Village Residential zoning district, which allows for civic buildings so it is currently conforming. The variance is for a dimensional expansion. Patmore reviewed the General Findings of Facts found in the Zoning report.

The public hearing opened at 5:50 p.m.

Mary Kropp, next door neighbor to the Center, stated her and her husband support the proposed project.

Eric Gerstner, neighbors, stated he and Rose also support the project.

The public hearing closed at 5:54 p.m.

Patmore reviewed the Specific Dimensional Variance Requests found in the packet and further noted the front (Broadway Ave.) setback is already non-conforming. Patmore recommends that if an approval is decided for the Specific Dimensional Variance, that the approval is of the site plan, and not the building coverage, and if the Impervious Surface Coverage is approved, the impervious surface coverage is approved per the site plan. Patmore stated that a Water and Sewer permit, a Soil Erosion permit, a Construction permit and a Building code permit would all be required.

Bahle moved, Smith seconded, CARRIED, to accept the Findings of Facts in the Zoning Administrators Zoning Report found in the packet. Ayes: 5, No: 0.

STANDARDS FOR DIMENSIONAL VARIANCES:

Section 17-6. A

- a. The need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and not due to applicant's personal or economic hardship.

The Village of Suttons Bay ZBA finds the following:

- The need for the variance is primarily due to the need for ADA accessibility in the existing old building.
- The relatively small narrow lot predates modern zoning for a building of this type.
- The need is not due to personal or economic hardship.

By consensus, the Village of Suttons Bay ZBA finds that the Application meets this standard.

- b. That the need for the requested variance is not the result of actions of the property owner.

The Village of Suttons Bay ZBA finds the following:

- The need for the variance is not the result of actions of the property owner.

By consensus, the Village of Suttons Bay ZBA finds that the Application meets this standard.

- c. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

The Village of Suttons Bay ZBA finds the following:

- It is reasonable for the owner to provide ADA accessible facilities for this civic building.
- Strict compliance with the regulations would be unnecessarily burdensome.

By consensus, the Village of Suttons Bay ZBA finds that the Application meets this standard.

- d. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners.

The Village of Suttons Bay ZBA finds the following:

- The proposed addition will not extend any further towards the property line than the existing building.
- During the Public Hearing there was no concern expressed by other property owners in the district.

By consensus, the Village of Suttons Bay ZBA finds that the Application meets this standard.

- e. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

The Village of Suttons Bay ZBA finds the following:

- During the Public Hearing there was no concern expressed by other property owners in the district.
- There will be no adverse impact on surrounding property.

By consensus, the Village of Suttons Bay ZBA finds that the Application meets this standard.

Smith moved, Perkins seconded, CARRIED, to approve the request from the Friendship Community Center for the dimensional variances listed below pertaining to 201 W. Broadway Street, Suttons Bay. This decision is based upon the Application, Architectural Plans dated 3/27/23, General Findings of Fact, Public Hearing, and the Standards for Dimension Variances listed below. The Zoning Administrator shall sign the approved Site Plan to be included in the record. Ayes: 5, No: 0.

Announcements – The next ZBA meeting will be held on June 21, 2023, at 5:30 p.m.

The meeting adjourned at 6:18 p.m.

Meeting minutes submitted by Shar Fay, Village Clerk.

PUBLIC HEARING NOTICE

TO THE RESIDENTS OF THE VILLAGE OF SUTTONS BAY

Notice is hereby given that the Village of Suttons Bay Zoning Board of Appeals will be holding a public hearing regarding a variance request for property located at 418 N ST. Marys, Suttons Bay, Parcel ID# 043-777-383-00. The public hearing is scheduled for Wednesday June 21, 2023 at 5:30 p.m., at the Village office meeting room located at 420 N. Front Street, Suttons Bay, MI 49682.

Variance Request: The applicant, William & Kristin Crackel, is seeking a variance for property located at 418 N. ST. Marys, Parcel ID# 043-777-383-00, located in the Central Residential District. Specifically the request is for an 8' variance of the primary street front setback for construction of a covered porch.

Information regarding this request is available for public viewing at the Village Office located at 420 N. Front Street, Suttons Bay, Michigan, 49682, during regular business hours. Please send written comments to the Village of Suttons Bay, PO Box 395, Suttons Bay 49682 or suttonsbay@suttonsbayvillage.org.



suttonsbay@suttonsbayvillage.org

From: Klinefelter, Tom <TKlinefelter@ibcp.com>
Sent: Friday, June 9, 2023 5:02 PM
To: suttonsbay@suttonsbayvillage.org
Subject: William and Kristin Crackel property ID #043-777-383-00, 420 St. Mary's, Suttons Bay

RE: variance for a porch addition to the above property

I reviewed the variance for the above property and conclude the following:

Their home fits the character of the neighborhood and is maintained impeccably
 will add value to curb appeal of their home and thier neighborhood
 many on the street have a porch across the front of their home which gets good use
 it will not impact food traffic on the sidewalk and is inline with both of thier neighbors porches

I am in favor of granting the Crackel's an 8' variance of the primary street front setback for construction of thier porch

Thomas Klinefelter estate

Tom Klinefelter

Independent Bank
 Senior Residential Loan Officer
 333 W Grandview Parkway
 Traverse City MI 49684

tklinefelter@ibcp.com

P 231/995-8712

C 231/492-2804

F 231/995-5597

NMLS ID 564759

APPLY NOW!

OPEN CHECKING!

Independent Bank

93 N Fourth street STE D

Suttons Bay MI 49682

O: 231/995-8712 | IPT: 38712

C: 231/492-2804

E: tklinefelter@ibcp.com

IndependentBank.com

[Instagram.com/Independent.Bank](https://www.instagram.com/Independent.Bank)

[Facebook.com/IndependentBank](https://www.facebook.com/IndependentBank)

[LinkedIn.com/company/independent-bank](https://www.linkedin.com/company/independent-bank)

Be Independent 



Office of Planning and Zoning
420 N Front Street
P O Box 395
Suttons Bay, MI 49682
231-271-3051 or 231-392-5828
zoning@suttonsbayvillage.org

ZONING BOARD OF APPEALS APPLICATION

FEE: VARIANCE: \$500 Paid: Check # 249
NON-CONFORMING USE: \$500 Paid: Check #

Date Rec. 5/17/23 Hearing Date / /
Above is for office use only

IMPORTANT PLEASE READ THE FOLLOWING:

1. Appeal applications must be submitted in the name of the owner of the property. The owner may be represented by another person, such as, but not limited to; a builder, potential buyer, attorney, or architect.
2. Applications must be signed by the owner. If represented by an authorized agent, he/she must sign also.
3. To process your application, a survey drawn by a professional surveyor (SEE REQUIREMENTS FOR MAKING APPLICATION), must be submitted to the Office of Planning and Zoning thirty (30) days prior to the scheduled Appeals Board meeting at which you wish to appear. The Appeals Board meets on the third Wednesday of each month.
4. The owner is bound by the commitments, concessions and agreements made by their representative/authorized agent.

Owner(s) Name: William Crackel
Kristin Crackel Phone Number: (810) 334 - 8828

Address: 418 N. St. Mary's St.

Email: crackel18@yahoo.com

Authorized Agent's Name: _____

Address: _____ Phone Number: () _____

Email: _____

Property Identification Number (PIN): 45-043- 777-383-00

Property Location (address if available): 418 N. ST MARYS

Type of Request Approximately 7.5 Variance of the Front Yard

- Variance Special Land Use Denial Temporary Use Conditional Use
- Site Plan Review Denial Non-conforming Use Special Exception
- Interpretation Other – specify _____

Section of Ordinance Applicable (office use only) _____

If this request is for an appeal from determination by the Zoning Administrator, date of denial: / /

Have any previous applications regarding this property been submitted to the Board of Appeals?

- Yes No If yes, what was the description of the prior request? _____

Is the subject property Unplatted Platted – If Platted, give name of Plat. _____

Describe the request being made with reasons that include the peculiar or unusual conditions which are present. Depict the hardship(s) which will result if the variance is not approved. (Please attach separate sheets if necessary):

Requesting a variance of the front lot line of 7.5 feet.
The two houses to the north of the requested variance both
have encroached the front lot line. As you can see in the
attached plans/drawings, the front porch would be in
conformance with existing houses in the neighborhood.

Signature of Owner [Signature] Date 5/15/23

Signature of Authorized Agent _____ Date / /

~for office use only~

A copy of the site plan and other pertinent information was sent to the following agencies for review and comment:

- Leelanau County Road Commission Leelanau County Soil/Erosion Department
- Leelanau County Fire Department Township Engineer
- Others _____

ACTION TAKEN: Approved Approved w/ conditions Denied

Note: APPROVALS BY THE BOARD OF APPEALS ARE VOID UNLESS THE CONSTRUCTION AUTHORIZED BY SUCH A VARIANCE HAS RECEIVED A LAND USE PERMIT WITHIN ONE YEAR.

418 N. St. Mary St. (residence of William and Kristin Crackel

From: William Crackel (crackel8@yahoo.com)

To: kqcrackel@gmail.com

Date: Monday, June 12, 2023 at 12:03 PM EDT

William and Kristin Crackel respectfully request a variance of the property on 418 N. St. Mary St., Parcel # 45-043-777-383-00.

Village of Suttons Bay

Certificate of Land Survey by O'Non Land Surveying (see attached) Section 28, Town 30 North, Range 11 West, village of Suttons Bay.

We are requesting a Variance of our property, with the addition of a Front Porch.

There have been no negative responses from the neighbors, who were informed of this request.

Based on the topography of the property, water sheds toward the front of the house, a porch is necessary to divert water away from the existing foundation. Large water shedding towards the foundation not only creates unsafe accessibility to the home, but also gradually deteriorates the foundation.

For aging-in-place Front Door protection from rain, snow and ice is necessary for the safety of the occupants.

A larger Front Porch will promote a more harmonious streetscape in keeping with the neighboring homes and the neighborhood in general.

We have included the Design elements/ construction drawings for your perusal.

Respectfully Submitted By,

William and Kristin Crackel



Cell: 231.642.7881 - caleb@norrisedesignpro.com - www.norrisedesignpro.com

Project: CRACKEL ADDITION 419 N. ST. MARY'S AVE. SUTTON'S BAY, MI 49682		Description: UPPER LEVEL PLAN		
Drawn By: Caleb Norris	Date: Sept. 26, 2022	Scale:	Sheet:	Project #: 22048



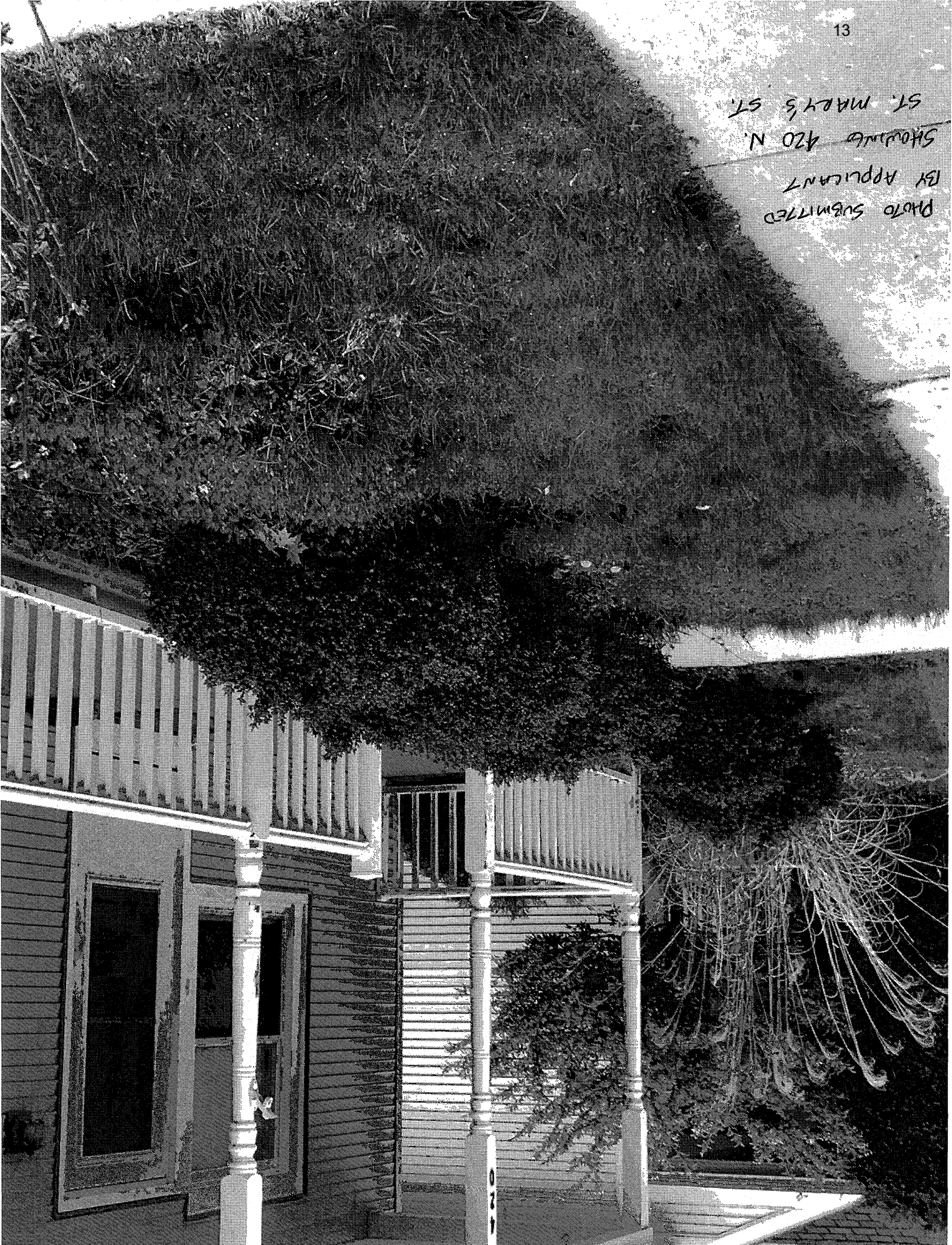
PHOTO
SUBMITTED
BY APPLICANT

SHOWING
EXISTING
AIB N.
ST. MARY'S

WALK

12

PHOTO SUBMITTED
BY APPLICANT
SHOWING 420 N.
ST. MARK'S ST.



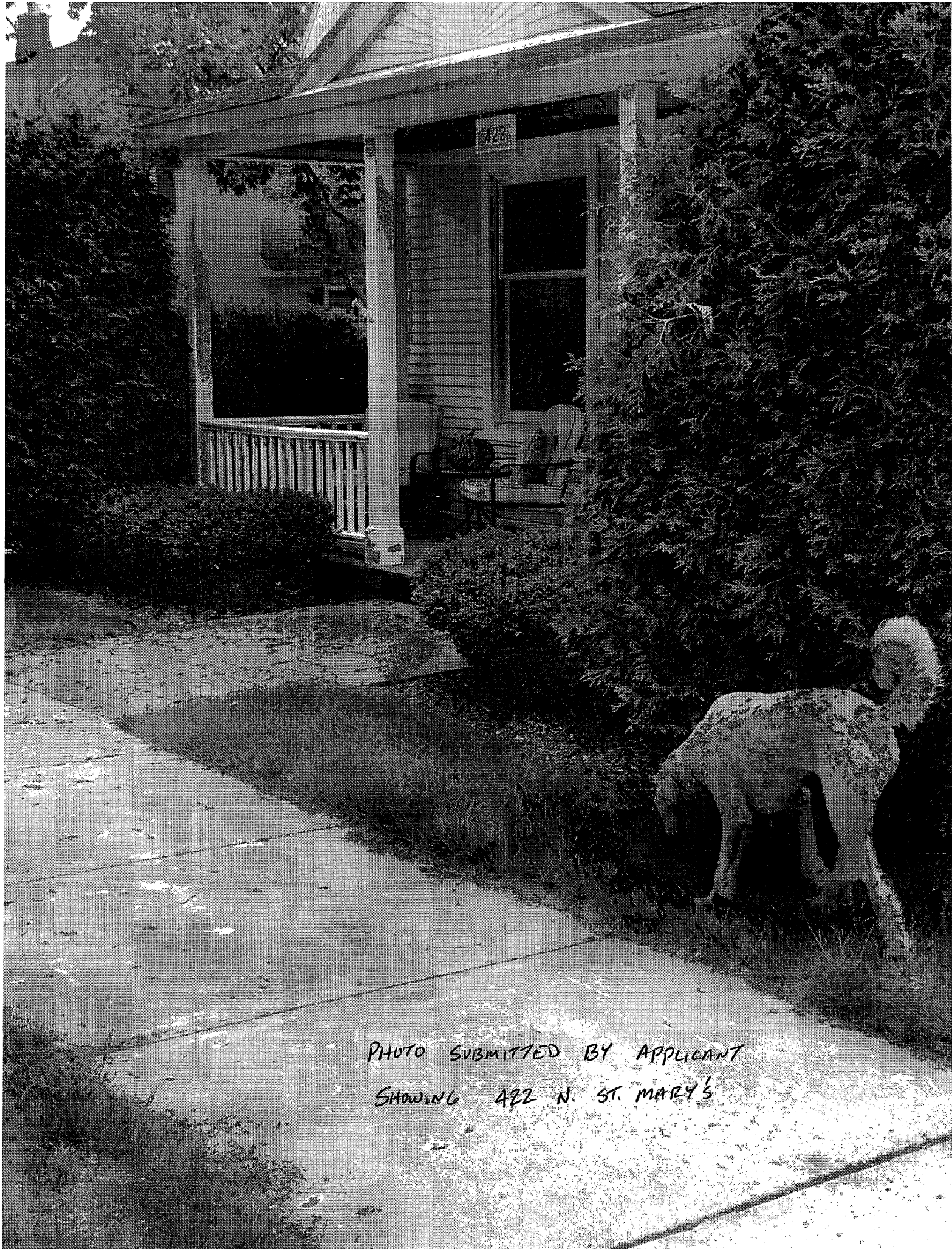


PHOTO SUBMITTED BY APPLICANT
SHOWING 422 N. ST. MARY'S

**VILLAGE OF SUTTONS BAY
ZONING BOARD OF APPEALS**

ZONING REPORT / SUGGESTED FINDINGS OF FACT

**DIMENSIONAL VARIANCE REQUEST
SUBMITTED BY
THE FRIENDSHIP COMMUNITY CENTER**

PREPARED BY STEVE PATMORE, ZONING ADMINISTRATOR

For Public Hearing on June 21, 2023

I. REQUEST:

The Village of Suttons Bay received a formal application from William & Kristin Crackel, who own the subject property at 418 N. St. Mary's Street, Suttons Bay.

This Application is a request for dimensional variances of the front setback, and would allow for a 7' (6 feet + overhang) x 23'-3" front porch addition to the existing single-family dwelling.

It should be noted that the project plans also include an addition to the south side of the house. This addition could be accomplished without a variance, and is not part of this report.

II. PROCESS

Under **Section 17-4** of the Village of Suttons Bay Zoning Ordinance (VSBZO), Powers and Decisions of the Zoning Board of Appeals (ZBA), the ZBA has the authority "to approve dimensional variances in circumstances involving a practical difficulty and the other conditions required for the approval of a dimensional variance

Section 17-6 gives the ZBA guidance on variance requests. It states that the ZBA " shall have the power to authorize specific dimensional variances from the requirements of this ordinance if it finds based upon competent, material, and substantial evidence following a public hearing that all of the applicable standards provided in this section have been met.

Section 17-6.A.1 gives the Standards for Dimensional Variances. All of these standards must be satisfied for the ZBA to grant a variance. These standards are discussed further in this report.

III. SUBMITTAL

- Application for Variance
- Explanation of Request
- Scaled Drawings – dated 11/21/22
- Photos submitted by Applicant

IV. GENERAL FINDINGS OF FACT (in addition to the facts outlined above)

1. The subject property is located at 418 N. St. Mary's Street, Suttons Bay. Property No. 45-043-777-383-00.
2. The subject property is owned by William & Kristin Crackel Enhanced Life Estate, 418 N. St. Mary's Street, PO Box 310, Suttons Bay, MI 49682.
3. The subject property is currently zoned Central Residential (CR).
4. The subject property currently contains a single-family dwelling and a detached garage. The detached garage contains some finished space, but is not considered an Accessory Dwelling.
5. According to assessing records, the existing dwelling was constructed circa 1900.
6. The existing dwelling does not have a front porch on St. Mary's Street.
7. According to a Certificate of Survey (included), the subject property is 60' wide x 120' deep, which calculates to 7,200 square feet of area, or 0.165 acres.
8. According to the survey, the existing dwelling is 0.6' into the Front Setback.
9. The existing building is a legal nonconforming structure as the existing structure does not meet the current Front Setback.
10. According to the Application, the Crackel's wish to construct an addition to the existing dwelling, including a front porch. The addition to the side does not require a variance.
11. The existing building is a legal nonconforming structure as the existing structure does not meet the current Front Setback.
12. The proposed expansion of this non-conforming structure would not qualify for the conditions outlined in Section 19-5 for expansion without a variance.
13. The required Primary Street Front Setback in the CR District is a range of 15 feet to 25 feet. (Table 4-3)
14. The required Minimum Side Setback in the CR District is 6 ft. (Table 4-3)
15. The proposed addition meets the minimum Side Setback requirements.
16. The maximum Building Coverage in the CR district is 40%. (Table 4-3)
17. According to the Application, the Building Coverage with the proposed addition would be 27.05%, which would comply with the ordinance.
18. The maximum Impervious Coverage in the CR district is 50%. (Table 4-3)

19. According to the Application, the Impervious Surface Coverage with the proposed addition would be 39.13%, which would comply with the ordinance.
20. Most of the existing houses on St. Mary's Street have front porches.
21. Both the current Village Master Plan and the Draft Village Master Plan Update have language encouraging maintaining the neighborhood character of the neighborhood residential districts.
22. Front porches are an important element of the character of the neighborhood residential areas.
23. The neighboring houses to the south and north encroach into the front yard setback.
24. The proposed addition has received approval from the Village of Suttons Bay DPW for water and sewer alterations, and will need Construction Code approval from Leelanau County.

V. SPECIFIC DIMENSIONAL VARIANCE REQUESTS:

1. Front Yard Setback:
 - Required Minimum Setback: Minimum 15 feet to Maximum 25 feet
 - Existing Building Setback: 14.4 feet (0.6' encroachment)
 - Proposed Setback: 7.0 feet (scaled from site plan)
 - Requested Variance: 8.0 feet

VI. OTHER CONSIDERATIONS:

- The ZBA can establish conditions, if it would reduce the impact on neighboring properties.
- The ZBA can consider the variance as requested – or a lesser variance

VII. STANDARDS FOR DIMENSIONAL VARIANCES:

Section 17-6.A

Dimensional Variances. The Zoning Board of Appeals shall have the power to authorize specific dimensional variances from the requirements of this ordinance if it finds based upon competent, material, and substantial evidence following a public hearing that all of the applicable standards provided in this section have been met.

1. Standards for Dimensional Variances. To obtain a variance from the dimensional requirements of this ordinance (area, setback, frontage, height, bulk, density or other dimensional requirements) the applicant must demonstrate that a practical difficulty exists by showing all of the following:
(Staff Note: All of these Standards must be met)

- a. The need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and not due to applicant's personal or economic hardship.

The Village of Suttons Bay ZBA finds the following:

- The need for the variance is primarily due to the existing house being constructed prior to Village zoning, and being sited towards the front of the lot.
- A front porch is a reasonable request, and would add to the character of the neighborhood.

OR,

- There are no unique circumstances or physical conditions involved with this property.

The Village of Suttons Bay ZBA finds that the Application (meets/does not meet/meets with conditions) this standard, or finds that the following information is necessary to make a decision.

- b. That the need for the requested variance is not the result of actions of the property owner.

The Village of Suttons Bay ZBA finds the following:

- There is no evidence that the owner or previous owners created this hardship, as this house was constructed prior to Village zoning.

The Village of Suttons Bay ZBA finds that the Application (meets/does not meet/meets with conditions) this standard, or finds that the following information is necessary to make a decision.

- c. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

The Village of Suttons Bay ZBA finds the following:

- A front porch could not be constructed on the existing dwelling without a variance.
- A front porch is a reasonable request, and would add to the character of the neighborhood.

OR,

- It is not unnecessarily burdensome to meet the front setback.

The Village of Suttons Bay ZBA finds that the Application (meets/does not meet/meets with conditions) this standard, or finds that the following information is necessary to make a decision.

- d. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners.

The Village of Suttons Bay ZBA finds the following:

- Most of the houses on St. Mary's Street have front porches. A front porch is a reasonable request, and would add to the character of the neighborhood.
- The request is in line with other houses on the same block.
- The request does not negatively impact other property owners.

The Village of Suttons Bay ZBA finds that the Application (meets/does not meet/meets with conditions) this standard, or finds that the following information is necessary to make a decision.

- e. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

The Village of Suttons Bay ZBA finds the following:

- There was no evidence presented that the request would cause an adverse impact on surrounding property, the area, or property values.

The Village of Suttons Bay ZBA finds that the Application (meets/does not meet/meets with conditions) this standard, or finds that the following information is necessary to make a decision.

VIII. POSSIBLE ZBA ACTION:

After reviewing the Findings of Fact, the ZBA can either make a decision or table the action:

1. The ZBA can vote to table the action if additional information is necessary or there are significant questions that must be answered before a decision can be made. The motion should list the items to be provided and/or questions that need to be answered.
2. If the ZBA is ready to make a decision, the following motions can be considered:

A. Motion to approve the Findings of Fact contained in the Zoning Administrators Report dated June 21, 2023 (as-presented / as-corrected) at this meeting.

B. Motion to (approve / approve with conditions / deny) the request from William & Kristin Crackel, for the dimensional variance of the Front Setback as shown on the plans dated November 21, 2022 pertaining to 418 N. St. Mary's Street, Suttons Bay. This decision is based upon the Application, Architectural Plans dated 11/21/22, General Findings of Fact, Public Hearing, and the Standards for Dimensional Variances.

Subject to the following conditions (if any)

1. The front porch may not, in the future, be fully enclosed and converted to living space. However, a screened-in enclosure is permitted.
2. The Zoning Administrator shall sign and file a copy of the approved site plan with this variance.

I hope that this Staff Report will assist the ZBA in making a decision on this Dimensional Variance

Respectfully Submitted,

Steven W. Patmore
Village of Suttons Bay Zoning Administrator

Leelanau Parcel Viewer

SUBJECT PARCEL
777-383-00
418 N. ST MARYS SP



6/16/2023, 9:34:08 AM

- Roads
- Municipalities
- Sections
- Subdivisions & Condos
- Government Lots
- Tax Parcels

1:1,128

0 0.01 0.01 0.02 mi

0 0.01 0.02 0.04 km

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, GTC Equalization/GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin,

This map is prepared by Leelanau County for reference purposes only. Leelanau County is not liable for any errors that may be found in this map.