

**MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION HELD
TUESDAY, JULY 13, 2021 AT 4:00 P.M. IN THE COUNCIL CHAMBERS, CITY HALL,
MACKINAC ISLAND, MICHIGAN**

Chairman Straus called a regular meeting of the Mackinac Island Planning Commission to order at 4:00 p.m.

PRESENT: Michael Straus, Lee Finkel, Anneke Myers, Mary Dufina, Jim Pettit, Ben Mosley
ABSENT: Trish Martin
STAFF: Zoning Administrator, Dennis Dombroski, Attorney, Erin Evashevski (Zoom), Architect,
Richard Neumann (Zoom)

Motion by Mosley, second to the Motion by Finkel to approve the minutes, as written, of the public hearing on June 8, 2021. All in favor. Motion carries.

Motion by Dufina, second to the Motion by Myers to approve the minutes, as written, of the regular meeting on June 8, 2021: All in favor. Motion carries.

Motion by Mosley, second to the Motion by Finkel, to approve the Agenda, as written, and place on file. All in favor. Motion carries.

Correspondence

Letter from Mission Street Residents re: 1274 Mission Street Special Land Use

Straus summarized the letter from the residents voicing their opposition to the special land use of boardinghouse. Motion by Mosley, second by Finkel to place the letter on file. All in favor. Motion carries.

Staff Report

HDC Meeting Summary

Finkel summarized the July 13th HDC meeting.

Committee Reports

None

OLD BUSINESS

R320-008-080

Tony Brodeur Special Land Use

Dombroski stated that the applicant did not meet with the City to discuss the land use conditions. Myers asked about the pet restrictions. Fosgitt stated that he believed that Brodeur would forgo animals, but he did not have it in writing. Mosley asked Fosgitt if he had authority to comment on the pet policy. When Fosgitt stated that pets were not part of Zoning, Myers stated that it falls under "additional conditions". Myers asked Evashevski if conditions follow through to new owners. Evashevski stated that she believed it does. Both parties would have to agree to this. Myers stated that all of the Section 19.06 standards have to be met for the special land use to be approved. She believes standard 2 is not met. "That the special land use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor shall it substantially diminish and impair property values within its neighborhood". The concern of neighbor's property values is not addressed and the residential neighborhood will not be maintained. Myers believes apartments are a better use for the neighborhood. Fosgitt stated they are proposing 8 occupants. They would be permitted to apply for changes that would be reviewed under its own merits. So he believes the approval would be for 8 occupants only. Myers concern is that if someone came back for increased occupancy, the argument would be that it is already

being used as a boardinghouse and 21 occupants are permitted. Fosgitt further said that they will be increasing the taxable value and disagrees that it will decrease the neighboring properties. Mosley stated that he disagrees with Myers, and believes having housing in the neighborhood increases property values. Pettit asked Evashevski if a new owner could increase the occupancy to 21. Evashevski stated that no. As the property stands now, it allows for more. So just because they add on to it, does not mean they are allowed for the 21. It would have to be agreed upon, by both the Planning Commission and the home owner. It was determined that a Statement of Conditions would be needed with any approval. Fosgitt stated they are willing to restrict it to 8 and if any changes are desired, they would have to come back to the Planning Commission and go through the whole process including a public hearing. Myers asked how the 8 occupants would be enforced. Dombroski stated that it would be part of the inspection process. However, due to limited staff, the inspections are very difficult to get to. The City Ordinance does give the City the right to inspect the employee housing. The restrictions that would be included in a Statement of Conditions are 8 occupants only, no pets, and any change to the Special Land Use would have to go through the approval process including a public hearing. Dombroski wanted to clarify that when a special land use is granted, any future changes would be an amendment to the existing special land use. Evashevski stated that it does not say that in the Ordinance. Whether a second public hearing would be required she didn't know. Dufina asked if that could be part of the special conditions. Evashevski stated that yes it could. Motion by Myers to deny the application based on Standard 19.06, 2 not being met. With no support the Motion died. Motion by Mosley, second by Dufina to approve the Special Land Use with the following conditions: 8 occupants, no pets, all conditions submitted by the applicant, and that any changes to the Special Land Use would require the full approval process including a public hearing. A Statement of Conditions and Deed Restriction will be required. The Statement of Conditions must be signed by both parties. Roll call vote: Ayes: Dufina, Finkel, Mosley, Pettit. Nays: Straus, Myers. Majority in favor. Motion carries.

R421-100-006

Cawthorne Employee Housing

The ZBA approved the project at the June 30th hearing. Myers stated she is concerned about the water runoff towards Surrey Condos. Dombroski stated a swale or landscaping could be installed to help with this issue. Dufina requested the minutes from the ZBA hearing.

New Business

R121-038-017

Nancy May New Dock

Dombroski stated that Ryba Marine is doing the work for this application. There is question of ownership on a gap of land between the lot line and the water. Sandy Jasinski, attorney for May, stated that May is the riparian owner of the property and only needs to get an EGLE permit. Jasinski requested that the application be tabled until next month so they may get all of the information on the gap of land in question. May stated this will be a private dock to enhance her property. Myers asked if the Marine section of the Zoning Ordinance had been reviewed. Jasinski stated the drawings will be clarified with all dimensions. Motion by Straus, second by Mosley to table the application. All in favor. Motion carries.

HB21-050-016(H)

Iroquois Hotel New Dock

Dombroski stated this project has been in the works since 2015. In 2015 the dock was not part of a historic district. Now that the dock is, Barnwell has agreed to go through the HDC approval. An archeological study was done. The floating dock portion, shown on the plans, is not being done at this time. Myers confirmed with Dombroski that there are no earth change plans that apply. Barnwell stated the dock will be open to guests and the public. There will be no bar or tables on the dock, but people may bring drinks out on the dock. Dufina requested a written description of the dock operation as required by Section 20.04, C9. Dufina asked if the neighbors were notified of the new dock. Barnwell confirmed that during the permitting process with the Corp of Engineers and the State, that the neighbors were notified. Motion by Myers, second by Finkel to approved the application, contingent on receipt of a written

description of dock operation and information on the deck height. Roll call vote: Ayes: Straus, Dufina, Finkel, Mosley, Myers Pettit. Nays: None. All in favor. Motion carries.

R121-004-040

Carole Erbel Variance for Fireplace Bump Out

The applicant is requesting a setback variance for a 2' bump out for a fireplace. Motion by Dufina, second by Mosley, to approve the application contingent on ZBA approval. A recommendation for approval is to be sent to the ZBA. Roll call vote: Ayes: Straus, Dufina, Finkel, Mosley, Myers, Pettit. Nays: None. All in favor. Motion carries.

C21-058-041(H)

Bob Gale-Dock & Building Alteration

Dombroski stated the application was approved three years ago, but the applicant was not able to get the work done. The HDC approved the application in their meeting July 13, 2021. Motion by Finkel, second by Dufina to approve the application. Roll call vote: Ayes: Straus, Dufina, Finkel, Mosley, Myers, Pettit. Nays: None. All in favor. Motion carries.

R121-017-043

Bonzheim-New Home by Steve Rilenge, UpNorth Const.

Dombroski stated this is for a new home on lot 17 in Stonebrooke. Nick Leibler, architect for the applicant, stated the HOA has approved the project. The applicant would like to begin construction in the fall. Leibler stated that the applicant would like to install 16 antique windows acquired from historic homes in Detroit, in lieu of the required double hung windows. They are asking to waive the required 70% of windows to be double hung. None of the antique windows are egress windows. Myers stated she just got the review and the new drawing so has not had time to review. Neumann stated he has not seen the new drawing showing the antique window placement, but the house does meet all architectural requirements except for the window requirement. Neumann feels the window change is appropriate not being in a historic district. Myers asked about the scenic easement on the drawing. Leibler stated that is for bike parking. Neal Liddicoat, Stonebrook representative, stated Stonebrooke holds the easement and they are fine with bike parking there. No pictures of the surrounding area were provided with the application and were therefore requested. There is an attached "carriage house" on the plans which is to be used for bikes and snowmobiles. The Commission suggested changing that title to accessory building, as no horses will be in the structure. Myers asked Mosley about fire protection access. Mosley stated Pine Cove lane would be used for access. The applicant wants just a foot path. The Commission suggested that they may want something more so that a dray can come closer to the home. The required REU is part of the reserve and is not part of the moratorium. Motion by Finkel, second by Mosley, to approve the application contingent on receipt of pictures of the surrounding properties, and allowing 16 antique windows based on Neumann's recommendation, in lieu of the required double hung windows. Roll call vote: Ayes: Straus, Dufina, Finkel, Mosley, Myers, Pettit. Nays: None. All in favor. Motion carries.

PUBLIC COMMENT

With no public comment and no further business there was a Motion by Myers, second by Mosley to adjourn the meeting. The meeting was adjourned at 6:11 p.m.



Michael Straus, Chairman



Katie Pereny, Secretary