

CITY OF CHARLEVOIX
ZONING BOARD OF APPEALS MINUTES
Monday, August 22, 2018 – 6:00 p.m.
210 State Street, Charlevoix, MI

A) CALL TO ORDER

The meeting was called to order by Chair Withrow at 6:00 p.m.

B) ROLL CALL/PLEDGE OF ALLEGIANCE

Chair: Greg Withrow
Members Present: Gary Anderson (late), Ann Gorney, Dennis Kusina, Richard Hodgson, Timothy Kish
Members Absent: Patricia Miller
Staff Present: Jonathan Scheel, Zoning Administrator

C) INQUIRY INTO POTENTIAL CONFLICTS OF INTEREST

Chair Withrow recalled that Member Hodgson previously indicated a conflict of interest on Old Business, Applicant 2018-02 ZBA which will continue for this meeting.

D) APPROVAL OF AGENDA

E) APPROVAL OF MINUTES

1. Motion to Approve or Amend the July 25, 2018 Meeting Minutes

Motion by Member Hodgson, second by Member Gorney to approve the July 25, 2018 meeting minutes as presented. Motion passed by unanimous voice vote.

Clerk's Note: Chair changed the order of the agenda.

G) NEW BUSINESS

2. Public Hearing for Applicant 2018-05 ZBA: Dimensional Variance Request from Paul Lefevre – 100 Michigan Avenue

b. Applicant Presentation (if requested)

John Campbell, representing the French Quarter New Orleans Bistro, explained the proposal for outdoor seating on a 524 square foot deck and to provide an entrance into the restaurant from Michigan Avenue. He stated that the property was zoned CM, Commercial Mixed Use. Chair Withrow questioned if he was aware that some condominium owners were objecting to the request and Mr. Campbell stated that it was the restaurant's responsibility to work with them.

Member Anderson arrived at the meeting at this time.

a. Staff Presentation

Zoning Administrator Scheel stated that the Edgewater commercial area is part of the DDA and the front setback on Michigan Avenue was 15'. He explained what makes this property different than others. He stated that the restaurant would be able to accommodate sidewalk tables and chairs, but the deck may be a better solution.

c. Call for Public Comment

Claudia Baird supported the addition of the deck.

d. ZBA Determination of Findings of Fact

Chair Withrow noted that they received several negative opinions from the condominium owners. Member Kish questioned if they should be treating this establishment differently than they treat all the other businesses along Bridge Street and Michigan Avenue. Chair Withrow responded yes, because this was a mixed-use property. He stated that he did not have a problem on the sidewalk towards the road. He wondered if a little more could be done to address the condominium owners' concerns. Discussion followed regarding the possibility of reducing or moving the barrier free area, property owner objections, and potential changes to the design. Chair Withrow stated that because there was so much opposition to this that it would behoove the restaurant owner and designer to create a design that works for everyone, then bring it back to the Board for consideration.

Gordon Hasing, owner of Unit 221, stated that his wife owns another unit and he expressed that it was important to have a restaurant in the facility and anything they could do to make this work commercially is a winner for all.

e. Motion

Motion by Member Kish, second by Member Hodgson to table 2018-05 ZBA. Motion passed by unanimous voice vote.

F) OLD BUSINESS

1. Public Hearing for Applicant 2018-02 ZBA: Use Variance Request from Mike Pattullo – 228 Bridge Street

Chair Withrow stated that the Board had discussed this request several times at previous meetings. New Member Kusina indicated that he read through all the information.

a. Staff Presentation

Addressed in previous meetings.

b. Applicant Presentation (if requested)

c. Call for Public Comments

d. ZBA Determination of Findings of Fact

Chair Withrow stated that Staff provided Findings of Fact that basically went to approve the project without conditions based on the review standards. He felt it was acceptable for one of the members to make a motion to approve Project 18-02 ZBA.

e. Motion

Motion by Member Gorney, second by Member Anderson to approve project 18-02 ZBA without conditions, based on specific findings of fact that they have had in previous meetings that does prove that the project does meet the review standards in 5.178 (6).

Motion passed by roll call vote:

Yeas: Anderson, Gorney, Kish, Kusina, Withrow

Nays: None

Absent: Miller

Abstained: Hodgson

I) CALL FOR GENERAL PUBLIC COMMENT

J) ADJOURNMENT

Members concurred to adjourn the meeting at 6:44 p.m.

Joyce M. Golding/fgm

City Clerk

Greg Withrow

Chair