

CITY OF MACKINAC ISLAND
ZONING BOARD OF APPEALS - 2827 CADOTTE AVE.
HEARING MINUTES

Wednesday, June 26, 2024 at 3:00 PM

City Hall – Council Chambers, 7358 Market St., Mackinac Island, Michigan

I. Call to Order

Mayor Doud called the Zoning Board of Appeals Hearing to order at 3:00 pm

II. Roll Call

PRESENT

Richard Chambers

Tom Corrigan

Steven Moskwa

Alan Sehoan

Jason St.Onge

ABSENT

Anneke Myers

VI. New Business

Application has been made by Corey Omev & Katy Rise for a nonconforming use change and received by the City of Mackinac Island Zoning Board of Appeals. The applicant's subject property is located at 2827 Cadotte Ave, property number 051-630-043-00, Assessor's Plat of Harrisonville Lot 43, City of Mackinac Island, County of Mackinac, Michigan. The subject property is zoned R4 - Harrisonville. The applicant is requesting a special land use to change the use of a portion of an existing multi-family residential structure to boarding house use.

Section 7A.02 does not include multi-family as a permitted use which makes the existing structure non-conforming. Section 5.06A, which states Regulations for nonconforming uses, requires the applicant to demonstrate to the Zoning Board of Appeals that the change will not materially change the nonconformity of the use.

A Public Hearing was set for Wednesday, June 26, 2024 at 3:00 pm. Notice was published in the St. Ignace News and sent to all residents residing within 300 feet of the subject property, located at 2827 Cadotte Ave.

No new correspondence was submitted to the City Clerk's office

- Two (2) letters in favor and one (1) letter opposing the Special Land Use, received by the Mackinac Island Planning Commission at their May 14, 2024 hearing, were provided for the Zoning Board of Appeals review

A letter was received by the Mackinac Island City Council from the Mackinac Island Planning Commission on May 15th, noting that there was a motion by made and supported at their May 14th meeting to approve the Special Land Use for a Boarding House at 2827 Cadotte Ave, contingent on the approval by the Zoning Board of Appeals.

Corey Omev of Kaleido Studio Architecture, presented the Application for Zoning Action

- Will be using the existing structures - modifying them slightly but no major modifications
 - o Mr. Omev noted that the buildings will be sprinkled
- Councilman St. Onge noted that he disagreed with letter from architect, stating that this property has always been used as employee housing, which is defined by tenant occupancy being contingent upon employment by the owner of the housing, and this has not been the case. Apartments and main house were owned by an individual, who rented the apartments out to tenants who were employed at various locations.
 - o Councilman St. Onge noted that this does not matter overall, but would like that distinction pointed out.

Attorney Erin Evashevski noted that the request for Special Land Use was specific to the main house as the applicants are requesting that the main house be designated for boarding house use.

- o The entire property is multi-family use because there are three (3) units - that is the non-conforming use that they are looking to continue. There were three (3) single-family dwellings, and there will continue to be that, but the main house will be changed from single-family to Boarding House Use under the Special Land Use.
- o Since there is a change with the Special Land Use, that is the change that ZBA is being asked to make a determination of whether or not that change on one (1) unit will materially change the non-conforming use

- Section 5.06 (a) – Regulations for Nonconforming Uses – stated that a nonconforming use shall not change in the type or nature of the original nonconforming use, including, but not limited to, expansion of the structure in which the use is conducted, unless the owner demonstrates to the Zoning Board of Appeals that the change will not materially change the nonconformity of the use.
 - Therefore, the ZBA needs to make a finding that the change of the main house to Boarding House Use will not materially change the non-conforming use

The property is zoned R4

- This zoning does not allow for multi-family dwellings / use - more than two dwelling units on the property
- Attorney Evashevski noted that, because a single-family use would regularly house 4 people, the Council may find that because the applicants are limiting the Boarding House Use of the dwelling to only four (4) people as an example of a finding of why the Special Land Use would not materially change the non-conformity of the property

There was no public comment.

VII. Adjournment

There being no further business, Motion by Moskwa, seconded by Chambers to adjourn the hearing at 3:20 pm.

Voting Yea: Chambers, Corrigan, Moskwa, Sehoyan, St. Onge

Margaret M. Doud, Mayor

Danielle Leach, City Clerk

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Motion by Chambers, seconded by Corrigan, to call the Special Meeting of the Mackinac Island Zoning Board of Appeal to order.

Attorney Evashevski repeated the requirement of Zoning Ordinance Section 5.06 (a) – Regulations for nonconforming uses

- A nonconforming use shall not change in the type or nature of the original nonconforming use, including but not limited to, the expansion of the structure in which the use is conducted, unless the owner demonstrates to the Zoning Board of Appeals that the change will not materially change the nonconformity of the use.
 - o The question being - does the change of the main house from single-family to Boarding House Use materially change the existing non-conformity?

It was again noted that the Planning Commission approved the Special Land Use, but the approval was contingent upon the Zoning Board of Appeals findings.

Motion by Moskwa, seconded by Corrigan, that the Zoning Board of Appeals made the finding that the applicant has demonstrated that the change of one of the multi-family dwellings from single family use to boarding house use with the restriction of allowing only (4) occupants in that specific dwelling does not materially change the non-conformity of the use of the property located at 2827 Cadotte Ave.

VIII. Adjournment

There being no further business, Motion by Corrigan, seconded by Moskwa, to adjourn the special meeting of the Zoning Board of Appeals at 3:35 pm.

Margaret M. Doud, Mayor

Danielle Leach, City Clerk