

CITY OF MACKINAC ISLAND

AGENDA

MEETING OF THE ZONING BOARD OF APPEALS - 1485 ASTOR GROUP, LLC

Wednesday, January 08, 2025 at 2:00 PM

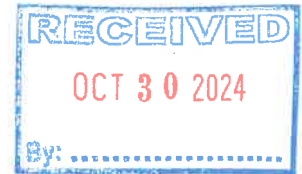
City Hall – Council Chambers, 7358 Market St., Mackinac Island, Michigan

- I. Call to Order**
- II. Roll Call**
- III. Pledge of Allegiance**
- IV. Additions to / Adoption of Agenda**
- V. Correspondence**
- VI. Old Business**
 - a.** Discussion and / or action regarding the request to terminate the existing use restrictions on the two (2) apartments located on the second level of the building located at 1485 Astor St. (Mustang Lounge)
- VII. Miscellaneous / General Council Discussion / Additional Agenda Items**
- VIII. Adjournment**

MACKINAC ISLAND

Section VI, Itema.

PLANNING COMMISSION ★ HISTORIC DISTRICT COMMISSION ★ BUILDING DEPARTMENT



October 10, 2024

Mayor Margaret M. Doud
Members of the City Council
City of Mackinac Island
PO Box 455
Mackinac Island, MI 49757

Dear Mayor and Council Members,

At the regular meeting of the Mackinac Island Planning Commission held on Tuesday, October 8, 2024, there was a request from Tony Brodeur representing 1485 Astor Group LLC, to remove the restrictions on use, located at 1485 Astor Street. There was a motion made and supported to send the request to the Zoning Board of Appeals without a recommendation from the Planning Commission, with the requirement that the ZBA be supplied with the Minutes from October 10, 2007, October 24, 2007, the Liquor Control Commission approval of the removal of the restrictions, and the statement from Brodeur.

A handwritten signature in blue ink that reads "Katie Pereny".

Sincerely,

Katie Pereny
Secretary to the Planning Commission

enclosures

**CITY OF MACKINAC ISLAND
PLANNING COMMISSION & BUILDING DEPARTMENT
APPLICATION FOR ZONING ACTION**

RECEIVED
Section VI, Item 1.
SEP 19 2024

www.cityofmi.org kep@cityofmi.org 906-847-6190 PO Box 455 Mackinac Island, MI 49757

APPLICANT NAME & CONTACT INFORMATION:

Tony Brodeur

231-944-8267 tony.brodeur@gmail.com
Phone Number Email Address

Please complete both sides of application.
The Fee and five (5) copies of the application, plans and all required documents must be submitted to the Zoning Administrator fourteen (14) days prior to the scheduled Planning Commission Meeting.

Property Owner & Mailing Address (If Different From Applicant)

1485 Astor Group LLC
1485 Astor St.
Mackinac Island, MI 49757

- Is The Proposed Project Part of a Condominium Association? Yes
- Is The Proposed Project Within a Historic Preservation District? Yes
- Applicant's Interest in the Project (If not the Fee-Simple Owner): -
- Is the Proposed Structure Within Any Area That The FAA Regulates Airspace? -
- Is a Variance Required? No
- Are REU's Required? How Many? No

Type of Action Requested:

- Standard Zoning Permit
- Special Land Use
- Planned Unit Development
- Other - remove usage restriction
- Appeal of Planning Commission Decision
- Ordinance Amendment/Rezoning
- Ordinance Interpretation

Property Information:

- A. Property Number (From Tax Statement): 49-051-550-029-00
- B. Legal Description of Property: attached
- C. Address of Property: 1485 Astor St File No. C24-029-063
- D. Zoning District: Commercial Exhibit A
- E. Site Plan Checklist Completed & Attached: Date 9-19-24
- F. Site Plan Attached: (Comply With Section 20.04 of the Zoning Ordinance) Initials KB
- G. Sketch Plan Attached: _____
- H. Architectural Plan Attached: _____
- I. Association Documents Attached (Approval of project, etc.): n/a
- J. FAA Approval Documents Attached: n/a
- K. Photographs of Existing and Adjacent Structures Attached:

Proposed Construction/Use:

- A. Proposed Construction:
 - New Building
 - Alteration/Addition to Existing Building
 - Other, Specify remove usage restriction

B. Use of Existing and Proposed Structures and Land:

Existing Use (If Non-conforming, explain nature of use and non-conformity):

restrictions on use

Proposed Use:

removal of restrictions

C. If Vacant:

Previous Use:

—

Proposed Use:

—

STATE OF MICHIGAN)
COUNTY OF MACKINAC) ss.

AFFIDAVIT

The applicant agrees that the permit applied for, if granted, is issued on the representation made herein and that the permit issued may be revoked without further notice on any breach of representation or conditions.

The applicant further understands that any permit issued on this application will not grant any right of privilege to erect any structure or to use any premises described for any purposes or in any manner prohibited by the Zoning Ordinance, or by other codes or ordinances or regulations of the City of Mackinac Island.

The Applicant further agrees to furnish evidence of the following before a permit will be granted:

- A. Proof of ownership of the property; and/or other evidence establishing legal status to use the land in the manner indicated on the application.
- B. Proof that all required federal, state, county, and city licenses or permits have been either applied for or acquired.
- C. Other information with respect to the proposed structure, use, lot and adjoining property as may be required by the Zoning Administrator in accord with provisions of the Mackinac Island Zoning Ordinance.

The Applicant further agrees to notify the Zoning Administrator when construction reaches the stage of inspection stated on the permit, if granted. Upon completion of construction to the structure(s) or land the Zoning Administrator shall inspect the premises for compliance with the Mackinac Island Zoning Ordinance and the terms of this permit. Upon determination of compliance, an occupancy permit may be issued. It is further understood that pursuant to the City of Mackinac Island Zoning Ordinance, No. 479 and amendments, adopted November 2013, unless a substantial start on the construction is made within one year, unless construction is completed within one and one-half years from the date of issuance of the permit, this permit shall come under review by the Planning Commission and may either be extended or revoked.

The undersigned affirms that he/she or they is (are) the applicant and the owner (specify: owner, Lessee, Architect/Engineer, Contractor or other type of interest) involved in the application and that the answers and statements herein attached are in all respects true and correct to the best of his, her or their knowledge and belief. The applicant hereby further affirms that he/she or they has read the foregoing and understands the same. If the applicant is other than the owner, then a notarized affidavit from the owner, giving the applicant permission to seek the requested zoning action on their behalf, shall also be submitted with this application.

ACB

Signature

SIGNATURES

Signature

Anthony C. Brodeur

Please Print Name

Please Print Name

Signed and sworn to before me on the 13th day of September 2024.

Tiffany Stevens, Notary Public
State of Michigan
County of Cheboygan
My Commission Expires on September 9, 2025
Acting in the County of Cheboygan

Tiffany Stevens

Notary Public

Cheboygan

County Michigan

My commission expires 9-9-25

FOR OFFICE USE ONLY

Zoning Permit Issued

Inspection Record

Inspection	Date	Inspector	Comments
1.			
2.			
3.			

Occupancy Permit Issued

Revised October 2023

OFFICE USE ONLY

FILE NUMBER: _____

FEE: _____

DATE: _____

CHECK NO: _____

INITIALS: _____

Revised October 2023

City of Mackinac Island

7358 Market Street
P.O. Box 455
Mackinac Island, MI 49757

Site Plan Review Checklist

Please Submit With The Application for Zoning Action

As a minimum, the following information shall be included on the site plan submitted for review and processing; more complex plans may require additional information as noted.

NOTE: The engineer, architect, planner and/or designer retained to develop the site plan shall be responsible for securing a copy of the City of Mackinac Island Zoning Ordinance (Ord. No. 479, effective November 12, 2013), which can be obtained via the City's website at www.cityofmi.org.

Site plan review requirements are primarily found within Article 4, General Provisions, and Article 20, Site Plan Review of the City Zoning Ordinance. References are provided whenever possible for the section of the Zoning Ordinance that deals with a particular item. When in doubt, refer to the Zoning Ordinance directly for required information.

For further information, contact Mr. Dennis Dombroski, City Building Official/Zoning Administrator, at (906) 847-4035.

Optional Preliminary Plan Review Informational Requirements (Section 20.03)

<u>Item</u>	<u>Provided</u>	<u>Not Provided or Applicable</u>
1. Name and address of the applicant or developer, including the names and addresses of any officers of a corporation or partners of a partnership	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Legal description of the property	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Sketch drawings showing tentative site plans, property boundaries, placement of structures on the site, and nature of development	<input checked="" type="checkbox"/>	<input type="checkbox"/>

B. Use of Existing and Proposed Structures and Land:

Existing Use (If Non-conforming, explain nature of use and non-conformity):

only bar owners may own, use upstairs apartments

Proposed Use:

any person may own, use apartments

C. If Vacant:

Previous Use:

Proposed Use:

STATE OF MICHIGAN)
COUNTY OF MACKINAC) ss.

AFFIDAVIT

The applicant agrees that the permit applied for, if granted, is issued on the representation made herein and that the permit issued may be revoked without further notice on any breach of representation or conditions.

The applicant further understands that any permit issued on this application will not grant any right of privilege to erect any structure or to use any premises described for any purposes or in any manner prohibited by the Zoning Ordinance, or by other codes or ordinances or regulations of the City of Mackinac Island.

The Applicant further agrees to furnish evidence of the following before a permit will be granted:

- A. Proof of ownership of the property; and/or other evidence establishing legal status to use the land in the manner indicated on the application.
- B. Proof that all required federal, state, county, and city licenses or permits have been either applied for or acquired.
- C. Other information with respect to the proposed structure, use, lot and adjoining property as may be required by the Zoning Administrator in accord with provisions of the Mackinac Island Zoning Ordinance.

The Applicant further agrees to notify the Zoning Administrator when construction reaches the stage of inspection stated on the permit, if granted. Upon completion of construction to the structure(s) or land the Zoning Administrator shall inspect the premises for compliance with the Mackinac Island Zoning Ordinance and the terms of this permit. Upon determination of compliance, an occupancy permit may be issued. It is further understood that pursuant to the City of Mackinac Island Zoning Ordinance, No. 479 and amendments, adopted November 2013, unless a substantial start on the construction is made within one year, unless construction is completed within one and one-half years from the date of issuance of the permit, this permit shall come under review by the Planning Commission and may either be extended or revoked.

The undersigned affirms that he/she or they is (are) the applicant and the owner (specify: owner, Lessee, Architect/Engineer, Contractor or other type of interest) involved in the application and that the answers and statements herein attached are in all respects true and correct to the best of his, her or their knowledge and belief. The applicant hereby further affirms that he/she or they has read the foregoing and understands the same. If the applicant is other than the owner, then a notarized affidavit from the owner, giving the applicant permission to seek the requested zoning action on their behalf, shall also be submitted with this application.

**Site Plan Informational
Requirements (Section 20.04, B and C)**

<u>General Information</u>	<u>Provided</u>	<u>Not Provided or Applicable</u>
1. Name and address of the applicant or developer, including the names and addresses of any officers of a corporation or partners of a partnership. For condominium subdivision project site plans, also include the name and address of the planner, design engineer or surveyor who designed the project layout and any interest he holds in the land.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Name and address of the individual or firm preparing the site plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Scale of not greater than one 1 in = 20 ft for a development of not more than three acres and a scale of not less than 1 in = 100 ft for a development in excess of three acres	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Legend, north arrow, scale, and date of preparation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Legal description of the subject parcel of land	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Lot lines and general location together with dimensions, angles, and size correlated with the legal description of the property	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Area of the subject parcel of land	<input type="checkbox"/>	<input type="checkbox"/>
8. Present zoning classification of the subject parcel	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Written description of the proposed development operations	<input type="checkbox"/>	<input type="checkbox"/> n/a
10. Written description of the effect, if any, upon adjoining lands and occupants, and any special features which are proposed to relieve any adverse effects to adjoining land and occupants	<input type="checkbox"/>	<input type="checkbox"/> n/a
11. A freight hauling plan shall be shown to demonstrate how the materials, equipment, construction debris, and any trash will be transported to and from the property, what, if any motor vehicles may be needed for the project. (Applicant is responsible for ensuring frost laws do not delay necessary actions of this plan).	<input type="checkbox"/>	<input type="checkbox"/> n/a

APPROV.
2, 2020
JF.

- 12. A construction staging plan shall be shown to demonstrate where and how materials, equipment, construction debris, trash, dumpsters and motor vehicles will be stored and secured during construction. This plan shall ensure the site is kept clean, show how construction debris and trash will be controlled, and how safety issues will be secured including any necessary fencing or barriers that will be needed. n/a
- 13. Proposed construction start date and estimated duration of construction. n/a
- 14. Other information pertinent to the proposed development, specifically required by the Zoning Ordinance, and/or as may be determined necessary by the City Planning Commission n/a

Natural Features

Provided

Not Provided or Applicable

- 15. Location of natural features such as wood lots, streams, wetlands, unstable soils, bluff lines, rock outcroppings, and similar features (see also Section 4.26) n/a
- 16. Topography of the site with at least two- to five-foot contour intervals n/a
- 17. Proposed alterations to topography or other natural features n/a
- 18. Earth-change plans, if any, as required by state law n/a

Physical Features

Provided

Not Provided or Applicable

- 19. Location of existing manmade features on the site and within 100 feet of the site
- 20. Location of existing and proposed principal and accessory buildings, including proposed finished floor and grade line elevations, height of buildings, size of buildings (square footage of floor space), and the relationship of buildings to one another and to any existing structures on the site
- 21. For multiple family residential development, a density schedule showing the number of dwelling units per acre, including a n/a

Variance for density already granted by ZBA (10-10-2007)

dwelling schedule showing the unit type and number of each such units

- 22. Existing and proposed streets, driveways, sidewalks and other bicycle or pedestrian circulation features
- 23. Location, size and number of on-site parking areas, service lanes, parking and delivery or loading areas (see also Section 4.16)
- 24. Location, use and size of open spaces together with landscaping, screening, fences, and walls (see also Section 4.09 and Section 4.21)
- 25. Description of Existing and proposed on-site lighting (see also Section 4.27)

Utility Information

Provided Not Provided or Applicable

- 26. Written description of the potential demand for future community services, together with any special features which will assist in satisfying such demand
- 27. Proposed surface water drainage, sanitary sewage disposal, water supply and solid waste storage and disposal (see also Section 4.13)
- 28. Location of other existing and proposed utility services (i.e., propane tanks, electrical service, transformers) and utility easements (see also Section 4.13)
- 29. Written description and location of stormwater management system to be shown on a grading plan, including pre- and post-site development runoff calculations used for determination of stormwater management, and location and design (slope) of any retention/detention features (see also Section 4.

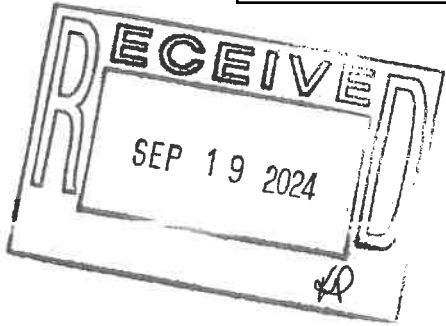
Site Plan Informational (Demolition)
Requirements (Section 20.04, D)

N/A

<u>Demolition</u>	<u>Provided</u>	<u>Not Provided or Applicable</u>
1. Site plan of property where demolition is going to take place. This plan shall include structure(s) being demolished, location of utilities, septic tanks, an itemized statement of valuation of demolition and restoration work to be performed, or other such items as may be required by the building official.	<input type="checkbox"/>	<input type="checkbox"/>
2. Copy of asbestos survey if required by EGLE or other state department.	<input type="checkbox"/>	<input type="checkbox"/>
3. Results of a pest inspection and, if necessary, a pest management plan.	<input type="checkbox"/>	<input type="checkbox"/>
4. Plans for restoring street frontage improvements (curb closure, sidewalk replacement, street patch, or other items as required by the building official). These items will not be required if building permits for redevelopment have been applied for or if redevelopment is planned within six months. In such case, the cash bond will be held until building permits for redevelopment are issued or improvements are complete. Completion shall not be deferred more than six months. Temporary erosion control and public protection shall be maintained during this time.	<input type="checkbox"/>	<input type="checkbox"/>
5. A written work schedule for the demolition project. Included in this may be, but are not limited to, street closures, building moving dates, right-of-way work, or other items as required by the building official.	<input type="checkbox"/>	<input type="checkbox"/>
6. Acknowledgment that if any unknown historic or archeological remains discovered while accomplishing the activity authorized by a permit granted by the City, all work must immediately stop and notification of what was discovered must be made by the applicant to the City as well as any other required offices. The City will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.	<input type="checkbox"/>	<input type="checkbox"/>

**Architectural Review
Informational Requirements (Section 18.05)**

<u>Item</u>	<u>Provided</u>	<u>Not Provided or Applicable</u>
1. Name and address of the applicant or developer, including the names and addresses of any officers of a corporation or partners of a partnership	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Legal description of the property	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Drawings, sketches and plans showing the architectural exterior features, heights, appearance, color and texture of the materials of exterior construction and the placement of the structure on the lot, and any additional information determined necessary by the planning commission to determine compliance with the architectural standards (see also Section 18.06)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Photographs of existing site conditions, including site views, existing buildings on the site, streetscape views in all directions, and neighboring buildings within 150 feet of the site.	<input type="checkbox"/>	<input type="checkbox"/>



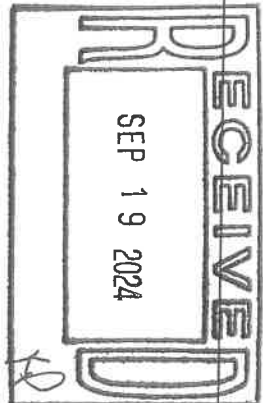
File No. C24-029-063
Exhibit B
Date 9-19-24
Initials KP

File #13-033S

LEGAL DESCRIPTION AND OWNERSHIP:

The subject property is located on Mackinac Island, Mackinac County, Michigan. The property's legal description as indicated in the assessing data is as follows:

410/136 426/625 474/284 562/558E 585/503 631/432 639/271 660/608-623 666/403 678/462 672/587S
ASSESSOR'S PLAT NO. 3 COM AT THE S'LY INT OF MARKET ST AND ASTOR ST ALSO KNOWN AS THE
N'LY MOST COR OF LOT 114 TH S 55 DEG 48'28"E 71.70 FT ALONG ASTOR ST TO THE E'LY COR OF LOT
114 TH CONT S 53 DEG 39'44"E 3.69 FT ALONG ASTOR ST TO THE N'LY MOST COR OF LOT 113 AND THE
POB TH CONT S 53 DEG 39'44"E 5.56 FT ALONG ST TH S 56 DEG 04'59"E 35.07 FT ALONG ST TH S 55 DEG
50'24"E 23.43 FT ALONG ASTOR ST TH S 26 DEG 42'26"W 34.73 FT TH N 62 DEG 29'41"W 30.99 FT TH S 28
DEG 29'12"W 19.29 FT TH N 62 DEG 27'25"W 32.76 FT TH N 27 DEG 29'12"E 61.48 FT TO THE POB. ALSO
COM AT THE S'LY INT OF MARKET ST AND ASTOR ST ALSO BEING THE N'LY MOST COR OF LOT 114 TH S
55 DEG 48'28"E 71.70 FT ALONG ASTOR ST TO THE E'LY COR OF LOT 114 AND THE POB TH CONT S 53
DEG 39'44"E 3.69 FT TO THE N'LY COR OF LOT 113 TH S 27 DEG 29'12"W 61.48 FT TH N 72 DEG 38'27"W
5.67 FT TH N 29 DEG 14'55"E 63.06 FT TO THE POB WITH AN EASEMENT RECORDED IN LIBER 660 PAGE
618. PART OF LOT 113.



ATTENTION COUNTY REGISTER OF DEEDS

THE CONDOMINIUM SUBDIVISION PLAN NUMBER MUST BE ASSIGNED IN CONSECUTIVE SEQUENCE, WHEN A NUMBER HAS BEEN ASSIGNED TO THIS PROJECT, IT MUST BE PROPERLY SHOWN IN THE TITLE ON THIS SHEET AND IN THE SURVEYOR'S CERTIFICATE ON SHEET 2.

MACKINAW COUNTY CONDOMINIUM SUBDIVISION PLAN NO. _____
 EXHIBIT B
 TO THE MASTER DEED OF
THE MUSTANG LOUNGE

Part of Lot 113, Assessors Plat No. 3, Mackinac Island, according to the Plat thereof as recorded in Liber 2 of Plats, Page 47, Mackinac County Records, which is more particularly described as follows:

Commencing at the Southern intersection of Astor and Market Street, also being the Northern Corner of Lot 114, Assessors Plat No. 3, thence along the southerly line of Astor Street on the following two courses: South 55°48'28" East 71.70 feet to the Eastern corner of Lot 114 and South 53°39'44" East 3.69 feet to the Northern corner of Lot 113 and the Place of Beginning; thence continuing along the southerly line of Astor Street on the following three courses: South 53°16'37" East 5.42 feet; South 55°04'17" East 36.35 feet; and South 55°56'54" East 22.73 feet to a 1/2" iron rod; thence along the face of a building in the following four courses: South 27°01'24" West 34.85 feet; North 62°29'03" West 30.99 feet; South 25°34'09" West 19.30 feet; and North 62°11'28" West 33.99 feet; thence North 27°29'12" East 61.48 feet to the Place of Beginning.

- SHEET INDEX
- 1 COVER
 - 2 SURVEY PLAN
 - 3 SITE PLAN SOUTHEAST
 - 4 SITE PLAN NORTHEAST

DEVELOPER

SURVEYOR

BENCHMARK ENGINEERING, INC.
 607 E. LAKE STREET
 HARBOR SPRINGS, MICH 49740

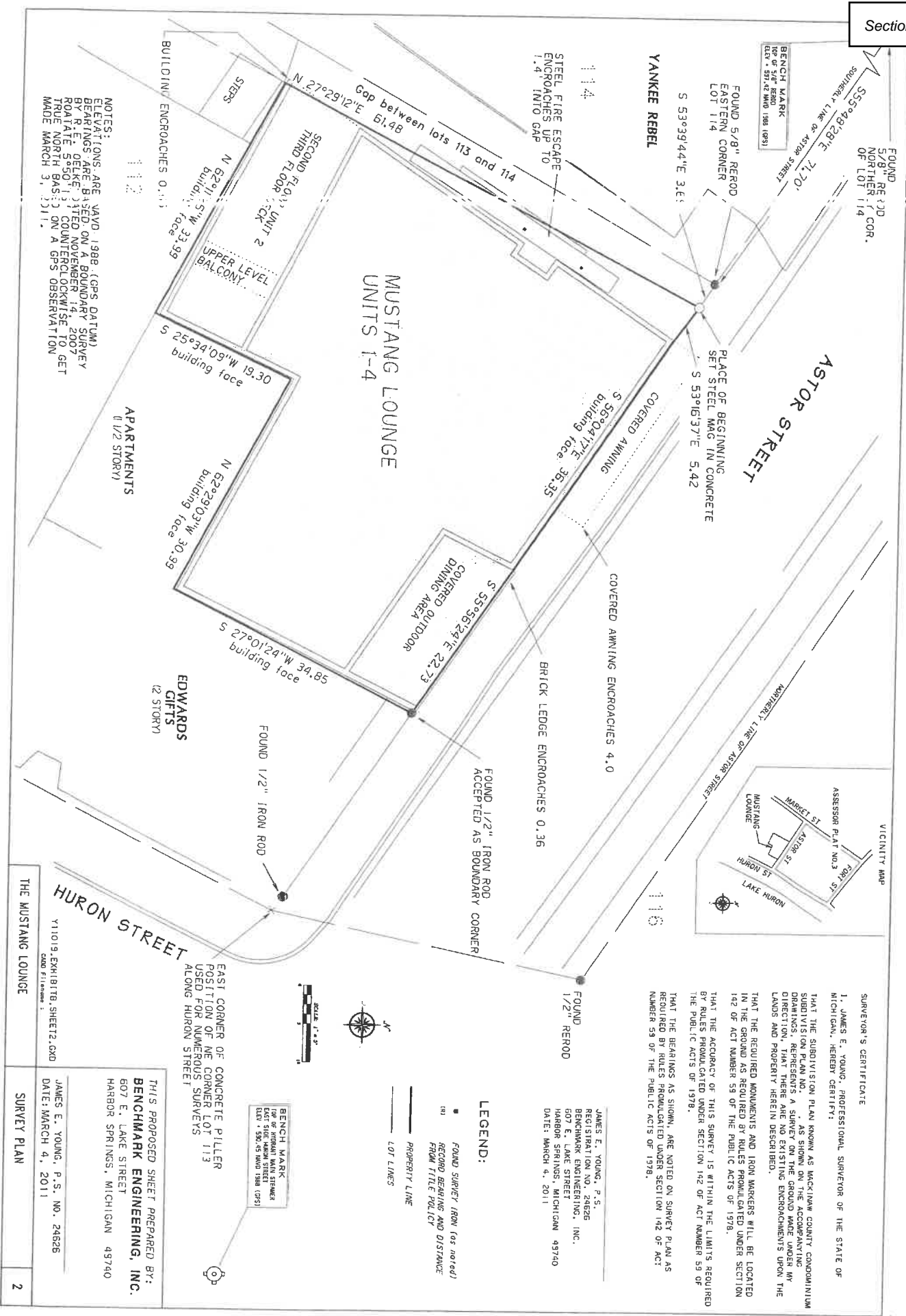
File No. 024-029063
 Exhibit C
 Date 9.19.24
 Initials KP

THE MUSTANG LOUNGE

THIS PROPOSED SHEET PREPARED BY:
BENCHMARK ENGINEERING, INC.
 607 E. LAKE STREET
 HARBOR SPRINGS, MICHIGAN 49740

JAMES E. YOUNG, P.S., NO 24626
 DATE: MARCH 4, 2011

Y10192 EXHIBIT B SHEET 1.50
 CAMP FILES 1000 1



NOTES:
 ELEVATIONS ARE BASED ON A BOUNDARY SURVEY BY R. E. YOUNG, P.S., DATED NOVEMBER 14, 2007. TRUE NORTH BASED ON A GPS OBSERVATION MADE MARCH 3, 2011.

THIS PROPOSED SHEET PREPARED BY:
BENCHMARK ENGINEERING, INC.
 607 E. LAKE STREET
 HARBOR SPRINGS, MICHIGAN 49740
 JAMES E. YOUNG, P.S., NO. 24626
 DATE: MARCH 4, 2011

SURVEY PLAN

2

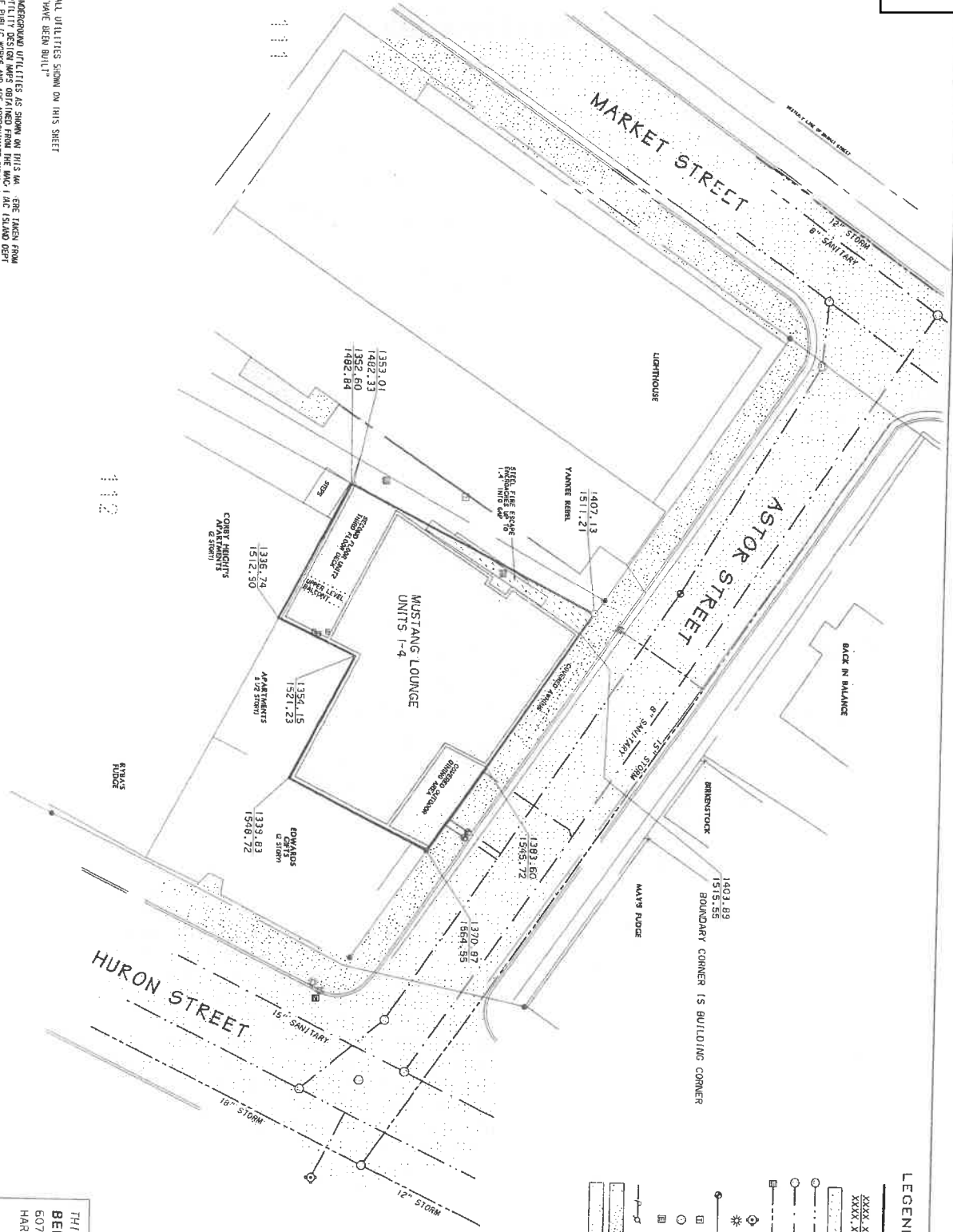
SURVEYOR'S CERTIFICATE
 I, JAMES E. YOUNG, PROFESSIONAL SURVEYOR OF THE STATE OF MICHIGAN, HEREBY CERTIFY:
 THAT THE SUBDIVISION PLAN KNOWN AS MACKINAW COUNTY COMMUNITY SUBDIVISION PLAN NO. ... AS SHOWN ON THE ACCOMPANYING DRAWINGS, REPRESENTS A SURVEY OF THE GROUND MADE UNDER MY DIRECTION, THAT THERE ARE NO EXISTING ENCROACHMENTS UPON THE LANDS AND PROPERTY HEREIN DESCRIBED.
 THAT THE REQUIRED MONUMENTS AND IRON MARKERS WILL BE LOCATED IN THE RECORD AS REQUIRED BY RULES PROMULGATED UNDER SECTION 142 OF ACT NUMBER 59 OF THE PUBLIC ACTS OF 1978.
 THAT THE ACCURACY OF THIS SURVEY IS WITHIN THE LIMITS REQUIRED BY RULES PROMULGATED UNDER SECTION 142 OF ACT NUMBER 59 OF THE PUBLIC ACTS OF 1978.
 THAT THE BEARINGS AS SHOWN, ARE NOTED ON SURVEY PLAN AS REQUIRED BY RULES PROMULGATED UNDER SECTION 142 OF ACT NUMBER 59 OF THE PUBLIC ACTS OF 1978.

JAMES E. YOUNG, P.S.
 REGISTRATION NO. 24626
 BENCHMARK ENGINEERING, INC.
 607 E. LAKE STREET
 HARBOR SPRINGS, MICHIGAN 49740
 DATE: MARCH 4, 2011

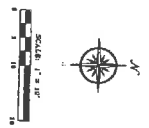
LEGEND:
 FOUND SURVEY IRON (as noted)
 RECORD BEARING AND DISTANCE FROM TITLE POLICY
 PROPERTY LINE
 LOT LINES

BENCHMARK ENGINEERING, INC.
 607 E. LAKE STREET
 HARBOR SPRINGS, MICHIGAN 49740
 DATE: MARCH 4, 2011

ALL UTILITIES SHOWN ON THIS SHEET
 "HAVE BEEN BUILT"
 UNDERGROUND UTILITIES AS SHOWN ON THIS MAP - ARE TAKEN FROM
 UTILITY DESIGN MAPS OBTAINED FROM THE MICHIGAN ISLAND DEPT
 OF PUBLIC WORKS AND ARE APPROXIMATE ONLY. ALL UTILITIES
 LOCATED BY FIELD SURVEY TO A DEPTH OF 7.5 FEET EXCEPT
 METERS - MANNING VALVES AND SERVICE PIPES WHICH ARE
 LOCATED BY FIELD OBSERVATION.



- LEGEND:**
- PROPERTY LINE
 - XXXX XX NORTH COORDINATE
 - XXXX XX EAST COORDINATE
 - ▭ GENERAL COMMON ELEMENT
 - WATER MAIN / SERVICE MANHOLE
 - SANITARY SEWER MAIN / MANHOLE
 - STORM SEWER MAIN / CATCH BASIN
 - FIRE HYDRANT
 - WATER SERVICE LINE / CURB STOP
 - TELEPHONE BOX
 - ELECTRIC SERVICE MANHOLE
 - ELECTRIC METER
 - OVERHEAD POWER LINE
 - ▭ CONCRETE SURFACE
 - ▭ PAVED SURFACE



THE MUSTANG LOUNGE

CADD File Name: 1

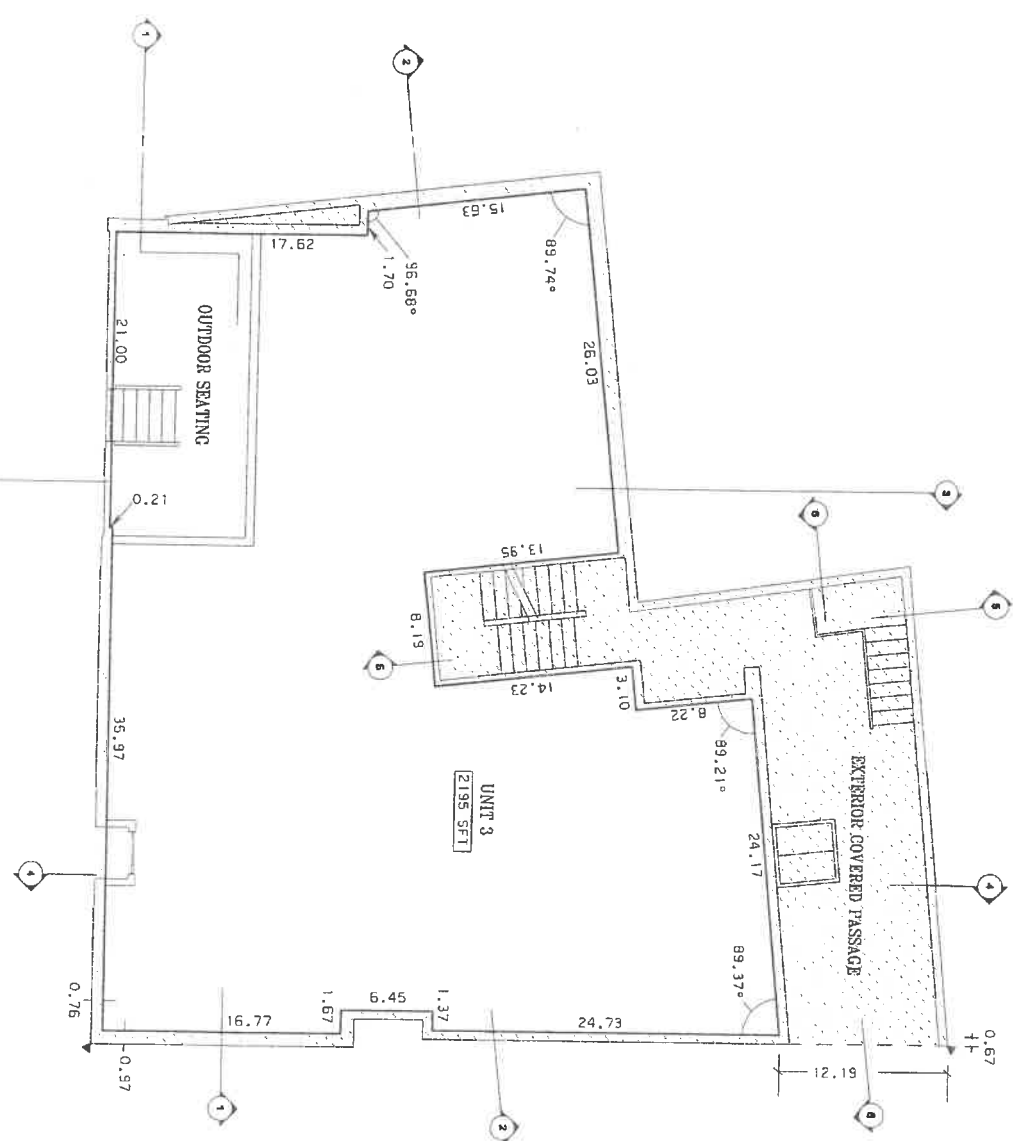
THIS PROPOSED SHEET PREPARED BY:
BENCHMARK ENGINEERING, INC.
 607 E. LAKE STREET
 HARBOR SPRINGS, MICHIGAN 49740
 JAMES E. YOUNG, P.S., NO. 246256
 DATE: MARCH 4, 2011

SITE / UTILITY PLAN

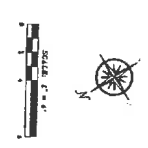
3

NOTE: ALL WALLS INTERSECT AT 90° UNLESS OTHERWISE NOTED.

FIRST FLOOR PLAN



- LEGEND
- LIMITS OF OWNERSHIP
 - ▭ GENERAL COMMON ELEMENT
 - ▭ LIMITED COMMON ELEMENT
 - BUILDING COORDINATE
 - ▲ LIMITED COMMON ELEMENT ASSIGNED TO UNIT X
 - SECTION LINES SEE SHEETS 8 AND 9



Y11019-EXHIBITB-SHEETS.GXD

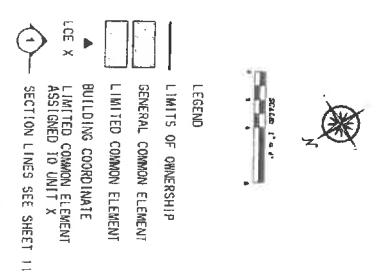
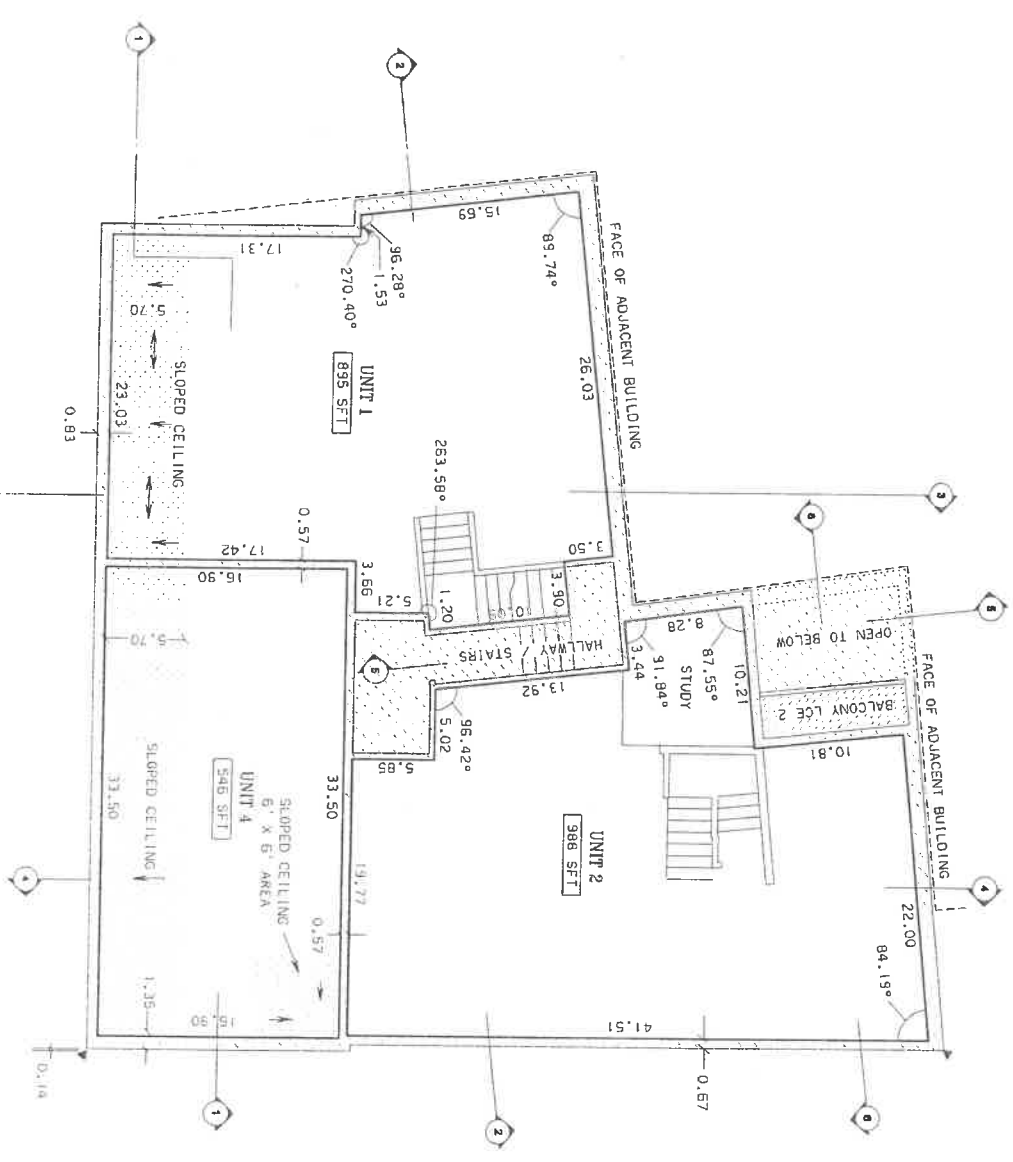
THIS PROPOSED SHEET PREPARED BY:
BENCHMARK ENGINEERING, INC.
 607 E. LAKE STREET
 HARBOR SPRINGS, MICHIGAN 49740

JAMES E. YOUNG, P.S., NO. 24626
 DATE: MARCH 4, 2011

FIRST FLOOR PLAN 5

NOTE: ALL WALLS INTERSECT AT 90° UNLESS OTHERWISE NOTED.

SECOND FLOOR PLAN

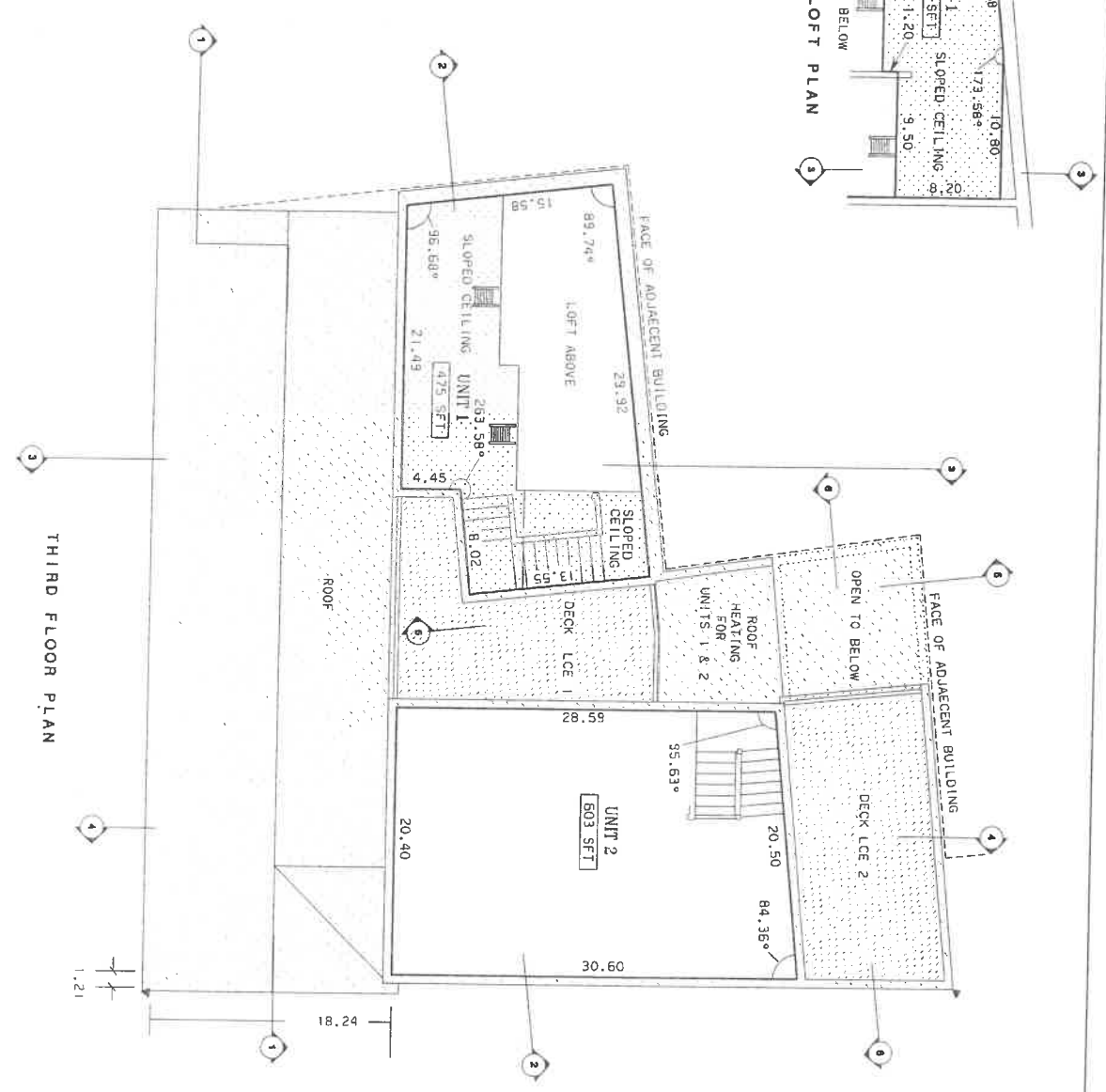
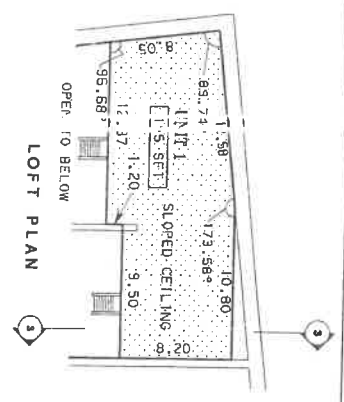


DATE: 08/11/11 10:31 AM

THIS PROPOSED SHEET PREPARED BY:
BENCHMARK ENGINEERING, INC.
 607 E. LAKE STREET
 HARBOR SPRINGS, MICHIGAN 49740

JAMES E. YOUNG, P.S., NO. 24626
 DATE: 08/11/11

SECOND FLOOR PLAN 6



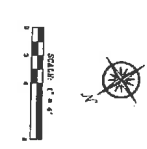
SEE ALL WALLS AND CEILING AT 90° UNLESS OTHERWISE NOTED.

THIRD FLOOR PLAN

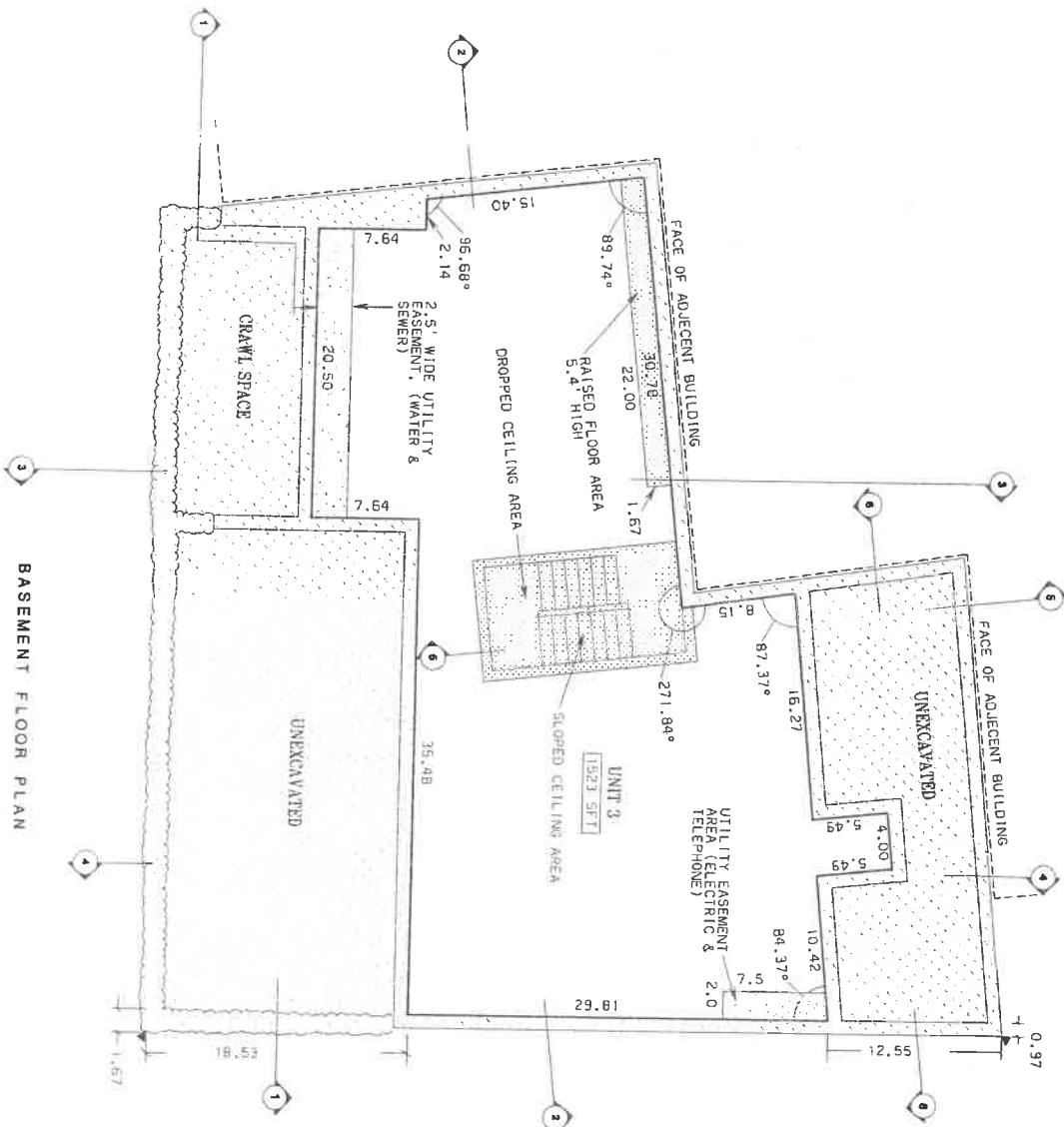
Y:\103-EXHIBITB.SHEET7.GXD

THIS PROPOSED SHEET PREPARED BY:
BENCHMARK ENGINEERING, INC.
 607 E. LAKE STREET
 HARBOR SPRINGS, MICHIGAN 49740
 JAMES E. YOUNG, P.S., NO. 24626
 DATE: 08/28/2011

LEGEND
 LIMITS OF OWNERSHIP
 GENERAL COMMON ELEMENT
 LIMITED COMMON ELEMENT
 BUILDING COORDINATE
 LCE X
 LIMITED COMMON ELEMENT ASSIGNED TO UNIT X
 SECTION LINES SEE SHEETS 8 AND 9



NOTE: ALL W.L.S. INTERSECT AT 90° UNLESS OTHERWISE NOTED.



BASEMENT FLOOR PLAN

LEGEND

- LIMITS OF OWNERSHIP
- GENERAL COMMON ELEMENT
- LIMITED COMMON ELEMENT
- BUILDING COORDINATE
- LIMITED COMMON ELEMENT ASSIGNED TO UNIT X
- SECTION LINES SEE SHEET 8 AND 9

Scale: 1" = 4'

N

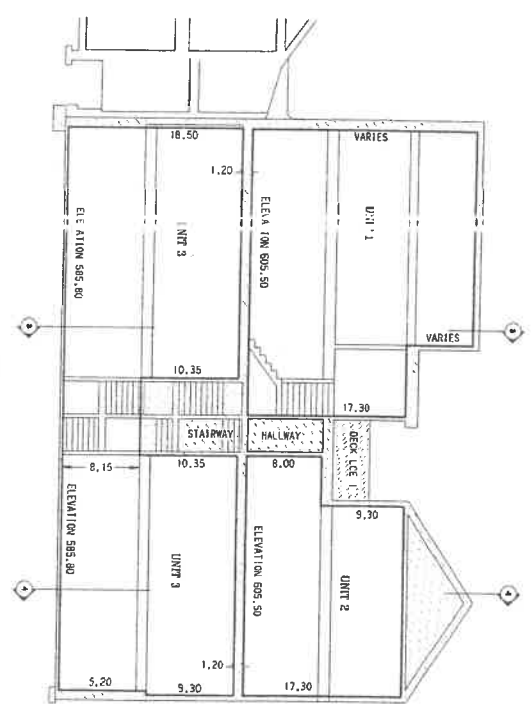
THE MUDJANS LOUNGE

Y:\1019_EXHIBITB\SHEET4.DWG
 DATE: 3/11/11

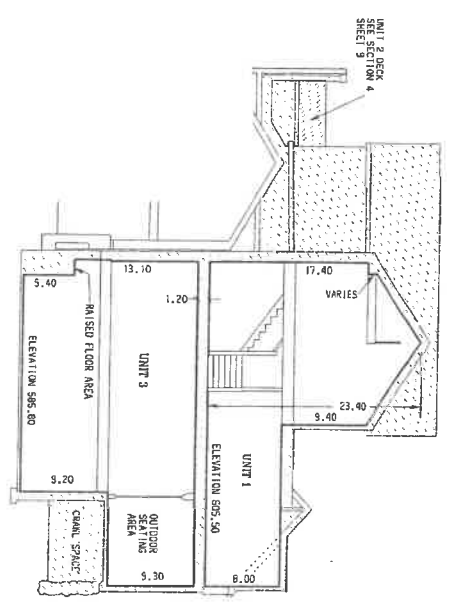
THIS PROPOSED SHEET PREPARED BY:
BENCHMARK ENGINEERING, INC.
 607 E. LAKE STREET
 HARBOR SPRINGS, MICHIGAN 49740

JAMES E. YOUNG, P.S., NO. 29526
 DATE: MARCH 4, 2011

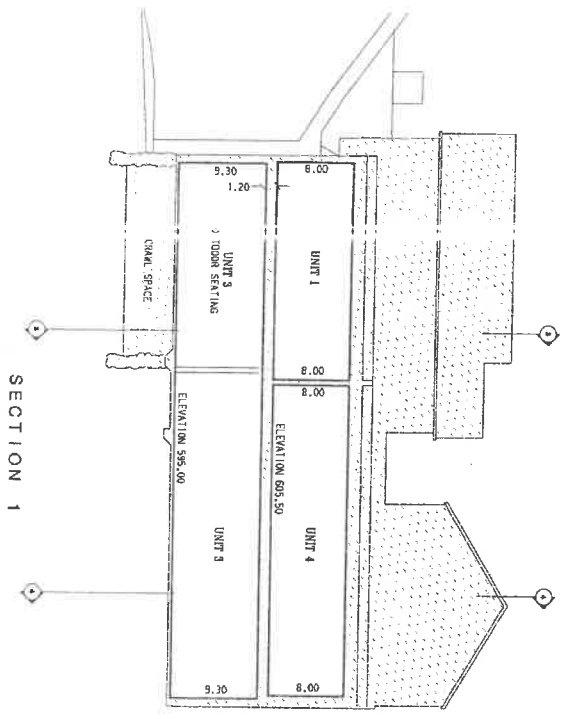
BASEMENT FLOOR PLAN



SECTION 2



SECTION 3



SECTION 1

- LEGEND**
- LIMITS OF OWNERSHIP
 - GENERAL COMMON ELEMENT
 - LIMITED COMMON ELEMENT
 - BUILDING COORDINATE
 - LIMITED COMMON ELEMENT ASSIGNED TO UNIT X
 - SECTION LINES SEE SHEETS 8 AND 9

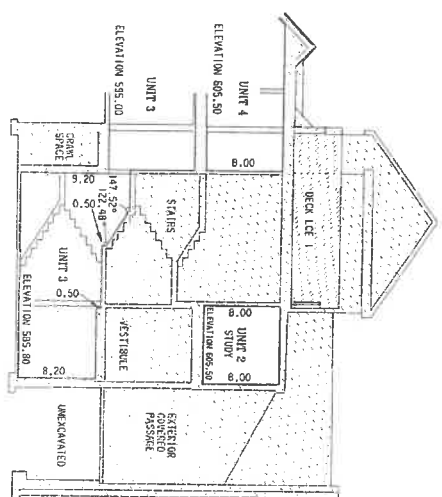
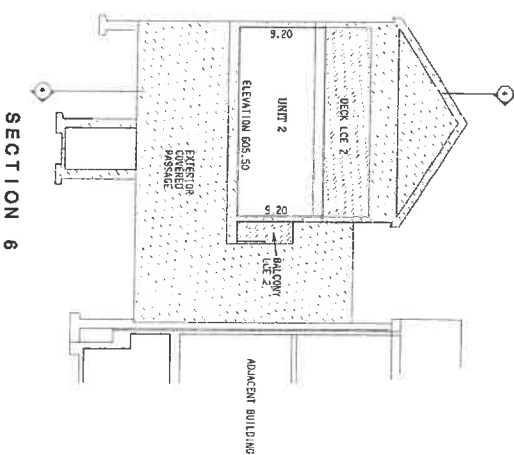
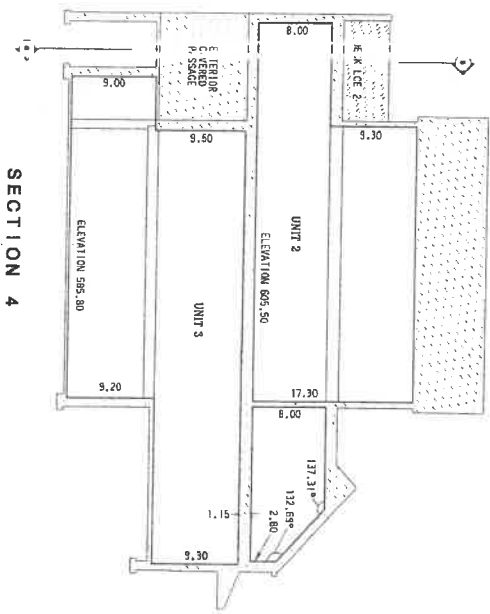


THIS PROPOSED SHEET PREPARED BY:
BENCHMARK ENGINEERING, INC.
 607 E. LAKE STREET
 HARBOR SPRINGS, MICHIGAN 49740

JAMES E. YOUNG, P.S., NO. 24626
 DATE: MARCH 1, 2011

DATE: MARCH 1, 2011

SHEETS 1, 2, AND 3 8

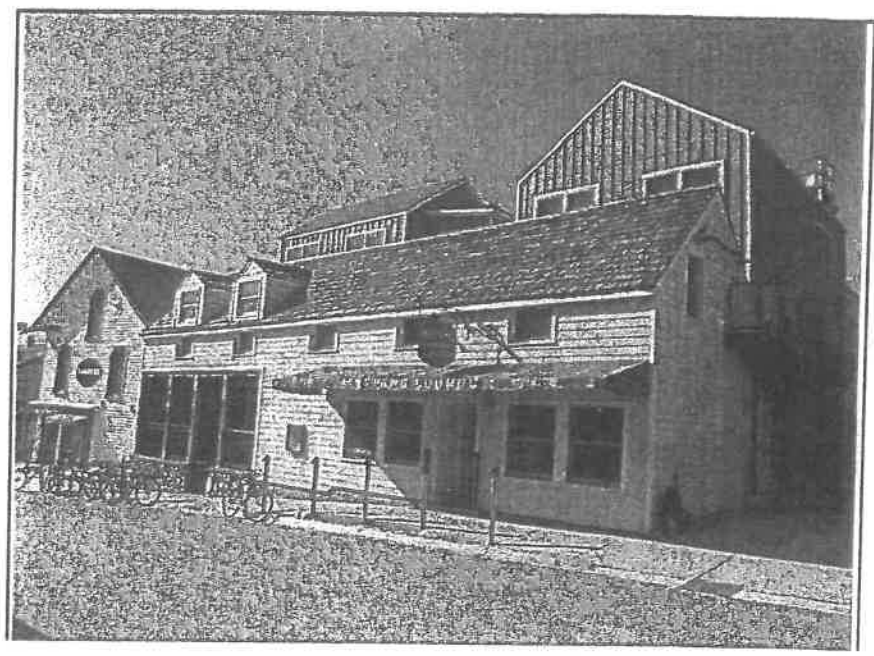


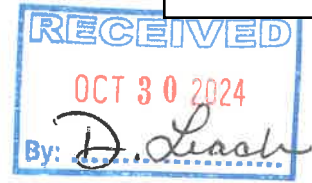
- LEGEND**
- LIMITS OF OWNERSHIP
 - ▭ GENERAL COMMON ELEMENT
 - ▭ LIMITED COMMON ELEMENT
 - BUILDING COORDINATE
 - ▲ STAIRWAY / ENTRY LIMITED COMMON ELEMENT ASSIGNED TO ADJACENT UNIT
 - SECTION LINES SEE SHEETS 8 AND 9

THIS PROPOSED SHEET PREPARED BY:
BENCHMARK ENGINEERING, INC.
 607 E. LAKE STREET
 HARBOR SPRINGS, MICHIGAN 49740

JAY'S E. YRONG, P.S., NO. 29626
 DATE: APRIL 6, 2011

File No. C24-029-063
Exhibit D
Date 9.19.24
Initials KP





October 30, 2024

Danielle Wightman
City Clerk, Mackinac Island
7358 Market Street P.O. Box 455
Mackinac Island MI 49757

Dear Danielle,

As an authorized agent of 1485 Astor Property Group LLC and 1485 Astor LLC, I am requesting that the City of Mackinac Island Zoning Board of Appeals terminate existing use restrictions on the two apartments located on our property at 1485 Astor Street.

Sincerely yours,

A handwritten signature in black ink that reads "Anthony Brodeur".

Anthony Brodeur

City Clerk

From: Anthony Brodeur <tony.brodeur@gmail.com>
Sent: Thursday, October 31, 2024 11:02 AM
To: City Clerk
Subject: Letter for ZBA
Attachments: HPSCAN_20241031145547124_2024-10-31_145637458.pdf

Hi Danielle-
Please see attached.
Does this work for info needed?
Dennis Cawthorne said I needed to send to you.

Thanks and hope you are well!

Sent from my iPhone

E V A S H E V S K I

LAW OFFICE

Tom H. Evashevski
evashevskilaw@gmail.com

838 N. State Street, PO Box 373
St. Ignace, MI 49781

Telephone: (906)643-7740
Facsimile: (906)643-1533

Erin K. Evashevski
erinevashevskilaw@gmail.com

John J. Evashevski
jevashkevski@gmail.com

December 16, 2024

Dear Mayor Doud and Members of the Zoning Board of Appeals,

The Mustange Lounge owners have filed a request for a variance amendment. For some background: the subject property is the Mustange Lounge building, more specifically; the living quarters above the bar/restaurant. Section 9.04 of the Zoning Ordinance allows the subject property one (1) apartment and three (3) single-occupant boarding house sleeping rooms. In 2007 the property owners requested a density variance to allow an additional apartment, creating a total of two (2) apartments and three (3) single-occupant boarding house sleeping rooms.

On October 10, 2007, the Zoning Board of Appeals held a public hearing, followed by a meeting, at which it granted the requested density variance for the additional apartment. The meeting minutes do not reflect any discussion of the reason for the variance, any conditions imposed, or any reason for conditions. At the regular meeting of the City Council on October 10, 2007, immediately following the ZBA meeting, the City Council approved a liquor license transfer and re-classification for the Mustange. In that decision the minutes reflect that “the upstairs will be for owners and/or management and will not be rented”.

On October 24, 2007 a special meeting was held prior to the regularly scheduled City Council meeting. The purpose of the special meeting, as reflected in the minutes, was to “clarify and solidify the status” of the variance. A motion passed to record a stipulation that only the owners/employees of the Mustange will be allowed to use the housing and that the use would be non-transient.

An affidavit reflecting and acknowledging the owner/employee-only occupancy and non-transient use conditions of the variance was signed by owner, Jason Klonowski on or about November 27, 2007. This affidavit was received by the City but never recorded with the register of deeds.

It is the applicant/owner’s position that the conditions on the variance were placed on it due specifically to the status of the liquor license. It is certainly possible that the liquor license classification had something to do with it, but there is nothing in the minutes or other information tying the conditions to any requirements of the MLCC.

I have looked through all the files in my office that could relate to this matter, and I spoke to Tom Evashevski for his recollection. Unfortunately, there is nothing in any of the files to indicate the reason for the conditions, and, because this occurred over 17 years ago, Tom has no memory of the circumstances surrounding the variance.

I believe Mr. Cawthorne has retracted his October 18, 2024 letter, after reviewing the affidavit, but in the event there are any questions regarding that letter, I would like to address the issues:

I disagree as to the validity of the conditions. The ZBA is composed of the members of the city council. Although the meeting minutes are titled as a "Special Meeting of the Mackinac Island City Council", it was clearly an error. If the City Council wanted to address this as the Council, it would have simply done so in its regularly scheduled City Council meeting which occurred immediately following the special meeting. The clear intent was for the meeting to be a Zoning Board of Appeals meeting. It has been far too long to recover the notice that was posted for the meeting, however, Jason acknowledged in his Affidavit signed a month after the meeting that this was a Zoning Board of Appeals meeting. Regarding the requirement of an additional hearing: A variance does not require a hearing for each meeting or determination made regarding the variance. Only one public hearing is required.

Further, this was not an "amendment" to the variance, the purpose was clearly stated in the minutes that the meeting was to "clarify and solidify the status" of the variance. Although it is not spelled out in the October 10, 2007 ZBA meeting minutes, the matter of owner/manager occupancy was clearly discussed in that meeting, as the October 10, 2007 City Council meeting minutes regarding the liquor license transfer and re-classification states that "the upstairs will be for owners and/or management and will not be rented".


I cannot support the position that the conditions on the variance are not valid, although, like I said I do not believe that the applicant is taking that position. Regarding the owner's position that the conditions were only placed on the variance due to the requirements of the MLCC, I simply do not have an opinion. I was not there and there is nothing in the minutes that ties the reason for the conditions on the variance exclusively to the liquor license. The conditions are mentioned in reference to both the variance and the liquor license transfer/re-classification, but I cannot say that the only reason for the conditions on the variance is the MLCC.

Regardless, it is my opinion that the only proper way to remove the conditions of the variance is to go through the variance procedure and make a decision as if it is a new variance request without the conditions, following the criteria under Section 22.05 and 22.06.

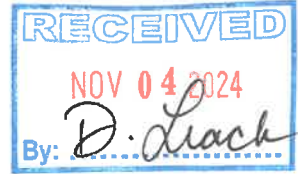
Section 22.06 – Criteria for Variances.

No variance in the provisions or requirements of this ordinance shall be authorized by the board unless the board finds from reasonable evidence that **all** the following facts and conditions exist:

- A. That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district.
- B. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
- C. That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the intent and purposes of this ordinance or the public interest.
- D. That the condition or situation of the specific piece of property, or the intended use of said property, for which the variance is sought is not of a general or recurrent nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

Sincerely,


Erin K. Evashevski



To whom it may concern:

I am an attorney specializing in hospitality and liquor control matters at both the state and federal level. I represented 1485 Astor, LLC (the “client”) in the matter before the Michigan Liquor Control Commission identified as Request ID # 2404-04699. The application requested two changes to the current Resort Class C liquor license held by the client:

- Removing a Living Quarters permit
- Adding a Direct Connection permit

This application to the Michigan Liquor Control Commission was made after conversations between the client, myself, and MLCC Inspector Ted Orm. Orm had previously performed inspections on the premises and was familiar with the layout and business operations. Per Orm, the Living Quarters permit had been issued based on previous plans made by the owners regarding the upstairs space, but that ultimately never came to fruition. After Orm spoke with the client about their plans for the upstairs area, he recommended removing the Living Quarters permit and adding a Direct Connection permit. This would allow for compliance with the Michigan Liquor Control Code and associated regulations established by the Commission. The stairs would be licensed as a direct connection, with the second floor space recognized as unlicensed premises.

This application was approved at the August 13, 2024 meeting of the Michigan Liquor Control Commission.

After an additional, thorough review of the Michigan Liquor Control Code and associated regulations, I am confident that there is no prohibition on the owner of a Resort Class C deriving income from the rental of rooms for lodging. While there are limitations on who may receive a Resort Class C liquor license, the client certainly meets those requirements.

I can be reached at nlove@kelley-cawthorne.com with any further questions or concerns.

Sincerely,

Nathaniel Love
Attorney at Law

Nate Love

From: McGehee, Donald (AG) <mcgeheed1@michigan.gov>
Sent: Monday, November 25, 2024 3:14 PM
To: Nate Love
Subject: RE: Mackinac Island

I agree. There is nothing in the Code or rules that outright prohibits that. As you know, the Commission must approve any direct connection. And apparently already did approve the d/b/a Mustang Lounge, BID# 249928 connection. The applicable rule is set forth below. FYI: These types of approvals are common.

**R. 436.1039 - Living quarters in connection with licensed premises; other direct connections to licensed premises
Rule 39.**

- (1) A licensee shall not have an inside connection between the licensed premises and an unlicensed portion of the same building or another building without the prior written approval of the commission.
- (2) A licensee, except for a hotel or club licensee, shall not have living quarters connected with the licensed premises, unless a living quarters permit is granted by the commission.
- (3) If a living quarters permit is granted by the commission to a licensee, alterations shall not be made in the connections between the living quarters and the licensed premises, unless written permission is granted by the commission.

Mich. Admin. Code R. 436.1039 1979 AC; 2016 MR 23, Eff. 12/20/2016.

Let me know if there is anything else I can do to assist.

Best regards,

P.S. Cell phone was okay. I was just not doing the correct sequence for rebooting after it crashed. Thanks for asking.

Donald S. McGehee

Division Chief
Alcohol and Gambling Enforcement
Department of Attorney General
2860 Eyde Parkway
East Lansing, MI 48823
Office: (517) 241-0210
E-mail: mcgeheed1@michigan.gov

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Please copy both sides for Dec 20 meeting

Section VI, Itema.

RECEIVED
DEC 03 2024
BY: D. Leach

RECEIVED
DEC - 3 - 2024

From: Nate Love <nlove@kelley-cawthorne.com>
Sent: Monday, November 25, 2024 11:24 AM
To: McGehee, Donald (AG) <mcgeheed1@michigan.gov>
Subject: Mackinac Island

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

This message was sent securely using Zix®

Hi Don,

It was good speaking with you this morning! Mr. Cawthorne is working with 1485 Astor, LLC (d/b/a Mustang Lounge, BID# 249928) on Mackinac Island on a few zoning changes. The business is licensed as a Resort Class C/SDM with, among others, a Direct Connection permit for two unlicensed apartment areas upstairs. The apartment area is accessible only through an interior stairway near the back of the licensed premises (hence the direct connection).

My understanding is that some of the planning commission members have questions about whether a Class C license allows for apartments or other rental properties at the same address. I believe there is nothing in the Liquor Control Code or regulations that would prohibit such a scenario, but any clarity you can provide would be greatly appreciated.

Thanks,

Nate Love

PS hope your cell phone issue gets resolved quickly and cheaply!

Nate Love
Lobbyist

O: 517.371.1400 | C: 248.767.1281 | nlove@kelley-cawthorne.com
208 N. Capitol Ave | Third Floor | Lansing, MI 48933



File No. 024 029-063
Exhibit K
Date 12.3.24
Initials KP



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

RECEIVED
NOV 04 2024
By: D. Leach
Section VI, Itema.

* * * * *

In the matter of the request of)	
1485 ASTOR, LLC)	
1485 Aster St.)	Request ID No. 2404-04699
Mackinac Island, MI 49757-5113)	
)	
<u>Mackinac County</u>)	

At the August 13, 2024 meeting of the Michigan Liquor Control Commission in Southfield, Michigan.

PRESENT: Dennis Olshove, Commissioner
Hoon-Yung Hopgood, Commissioner

DIRECT CONNECTION APPROVAL ORDER

1485 Astor, LLC ("applicant") has filed an application for permission to maintain one (1) new Direct Connection to unlicensed premises; and cancel existing Living Quarters Permit.

Article IV, Section 40, of the Michigan Constitution (1963), permits the legislature to establish a Liquor Control Commission, which shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. MCL 436.1201(2) provides the Commission with the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the manufacture, importation, possession, transportation and sale thereof.

Commission records reflect licensee is the holder of 2024 Resort Class C issued under MCL 436.1531(2) and Specially Designated Merchant licenses with Sunday Sales Permit (A.M.), Sunday Sales Permit (P.M.) held in conjunction with the Resort Class C

license, Dance-Entertainment Permit, Living Quarters Permit, Outdoor Service (1 Area), and Specific Purpose Permit (Food) located at the above noted address.

After reviewing the file and discussion of the issues at the meeting, the Commission finds that all the requirements have been met and this request should be approved.

THEREFORE, IT IS ORDERED that:

- A. The licensee's request for permission to maintain one (1) Direct Connection to unlicensed premises is APPROVED.
- B. Pursuant to administrative rule R 436.1050, this approval is valid for two (2) years from the date of this approval order unless the Commission has been provided with a notice of pending litigation involving the application.
- C. The licensee has a continuing duty to provide the Commission with up-to-date contact information and must notify the Commission in writing of any changes to its mailing address, phone numbers, electronic mail address, and other contact information it provides the Commission, pursuant to administrative rule R 436.1048(2).
- D. Under administrative rule R 436.1003(1), the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcement officials who have jurisdiction over the licensee. Under administrative rule R 436.1003(2), a licensee shall not use a license at the licensed premises unless a temporary or permanent certificate of occupancy has been issued by the local unit of government having jurisdiction over the location of the licensed premises or the licensed premises complies with administrative rule R 436.1003(1). Approval by the Michigan Liquor Control Commission does not waive these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before opening the business for operation.
- E. Failure to comply with all laws and rules may result in the revocation of the approval contained in this order.

Request ID No. 2404-04699
Page 3

MICHIGAN LIQUOR CONTROL COMMISSION



Dennis Olshove, Commissioner



Hoon-Yung Hopgood, Commissioner

JLH1

Date Mailed:8/14/2024