

CITY OF MACKINAC ISLAND
MEETING OF THE ZONING BOARD OF APPEALS - 1485 ASTOR
GROUP, LLC MINUTES
Monday, January 13, 2025 at 2:00 PM
City Hall – Council Chambers, 7358 Market St., Mackinac Island, Michigan

I. Call to Order

Mayor Doud called the meeting of the Zoning Board of Appeals to order at 2:00 pm.

II. Roll Call

PRESENT

- Richard Chambers
- Tom Corrigan
- Steven Moskwa
- Alan Sehoyan
- Jason St. Onge
- Erin Evashevski, City Attorney (via zoom)

IV. Additions to / Adoption of Agenda

Motion made by St. Onge, seconded by Sehoyan, to adopt the agenda as presented.

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

VI. Old Business

- 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)
 - Subject restrictions were established in October 2007, in conjunction with the approval of a variance request to construct an additional / second apartment above the business known as the Mustang Lounge, located at 1485 Astor Street, as part of a 2007 proposed remodel project.
 - Subject usage restriction states that, “only owners / employees will be allowed to use the housing (and that the use be non-transient) above the business known as the Mustang Lounge.”
 - Applicant is now proposing that “any person may own, use the apartments.”
- Councilman St. Onge noted that, from his recollection, the issue in 2007 was the Michigan Liquor Control Commission’s recommendation to set the use restrictions.
 - The applicants have now put forward a letter from the Michigan Liquor Control Commission stating that there are no current obstructions. Councilman St. Onge is therefore content to lift the restrictions.
- Attorney Evashevski noted that nothing in the 2007 minutes reflects Council’s decision either way, and no findings were listed. Therefore, we have to assume that the criteria listed in section 22.05 of the City’s Zoning Ordinance were determined to have been met at that time. There is nothing in the 2007 minutes as to why the conditions were placed.
- Dennis Dombroski commented that, to his recollection, density is what necessitated a variance for the property in 2007. A variance was requested to have (2) apartments for (2) owners to live above their establishment.
 - Overnight rental is a different use than employee / owner occupancy. If the applicant chooses to use the apartments as a nightly rental they will have to present to the Planning Commission for a change of use. Once the change in use is requested, there will be a density calculation for hotel use.
- Councilman Moskwa inquired about the reasoning for having the restrictions lifted
 - Tony Brodeur, owner, responded that they intend to change the use for the apartments from owner occupied to some form of rental – preferably longer term than nightly, but nothing set at this time.
 - Dennis Dombroski noted that if the rentals are only 30 days or longer, then the use does not change. However, if they wish to provide nightly or weekly rentals, there will be a change in use required.

Motion made by St. Onge, seconded by Sehoyan, to amend the variance by removing the occupancy restrictions on the apartment dwellings located above the Mustang Lounge, located at 1485 Astor Street, and owned by 1485 Astor Group LLC, based on the following findings:

1. That the council properly granted the variance in 2007 and made findings under Section 22.05, despite the minutes not reflecting any of the discussion or findings.
2. That the findings made to support the criteria under Section 22.05 of the Zoning Ordinance were made without consideration of the occupancy condition.
3. That the occupancy condition was placed on the variance only for purposes of satisfying the Michigan Liquor Control Commission (MLCC), as the owner was simultaneously converting the liquor license.
4. The MLCC no longer requires the occupancy condition for the current liquor license.
5. The removal of the occupancy condition does not remove any of the criteria that was met at the time the variance was approved.

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

VIII. Adjournment

Motion made by Sehoyan, seconded by Corrigan at 2:20 pm.

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

Margaret M. Doud, Mayor

Danielle Leach, City Clerk