

# CITY OF MACKINAC ISLAND

## MINUTES

### PLANNING COMMISSION

Tuesday, March 12, 2024 at 1:00 PM

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

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#### I. Call to Order

The meeting was called to order at 1:01 PM.

#### II. Roll Call

PRESENT

Trish Martin

Jim Pettit

Michael Straus

Anneke Myers

Ben Mosley

Mary Dufina

ABSENT

Lee Finkel

STAFF: Erin Evashevski, Dennis Dombroski

#### III. Pledge of Allegiance

#### IV. Approval of Minutes

##### a. February 13, 2024 Minutes

Motion to approve the minutes as written.

Motion made by Mosley, Seconded by Myers.

Voting Yea: Martin, Pettit, Straus, Myers, Mosley, Dufina

#### V. Adoption of Agenda

Motion to approve the Agenda as amended. Amendment is to add Lounsbury to Old Business and April Meeting to New Business.

Motion made by Myers, Seconded by Pettit.

Voting Yea: Martin, Pettit, Straus, Myers, Mosley, Dufina

## VI. Correspondence

### a. Cloverland Response Letter from Brian Lavey

Straus read the letter aloud. Myers wants to know what load is in the summer? We are to write back and ask about summer and winter. Myers stated we continue to grow and Cloverland needs to plan for that. Dufina suggested that maybe they have information on a house vs a hotel usage. Break usage down by month for the last two years. Myers would like to know where we were at when we had the black out in 2000. Dombroski said they added two new circuits in 2000. They also repaired three of the damaged circuits but they have a derated capacity. There are also more hotels now running A/C. Myers would like to know if Cloverland has any plans for expansion and the longevity of current cables. Forward this letter and our letter to City Council making them aware of the conversation. Pereny is to write back to Cloverland requesting the past two years usage, by month. Motion to place on file.

Motion made by Mosley, Seconded by Myers.

Voting Yea: Martin, Pettit, Straus, Myers, Mosley, Dufina

## VII. Staff Report

### a. HDC Meeting Summary

The HDC meeting was rescheduled for March 21, 2024

### b. REU Update

Burt stated the following REU's are remaining for 2024: 3 residential available, 1.947 small commercial, 1.25 commercial, and 1 residential or boardinghouse.

Burt shared pictures of the construction site. Burt stated they have a tentative plan with state park on maneuvering the cement truck. Pettit asked about the schedule. Burt thinks they are about 2 weeks behind the original schedule.

Pettit added that at the last DPW meeting they were discussing rate increases to cover bond payments and an inspection for lead pipes that is required. They discussed different rates for residential and commercial. Employee housing also came up. Pettit was looking for clarification on employee housing. Is there a list of all employee housing? How can we tell if a house is employee housing? Myers said on the Planning Commission level the only way to know is if it has a special land use for employee housing. Myers suggested the building department come up with a list of houses with special land use. There was discussion on a property that has both residential and employee housing. Pettit also asked who enforces rules like the no

pet rule? Myers stated the Zoning administrator sends to the police department to issue a ticket. Straus appreciates the DPW looking in to different rates but realizes it is a difficult job. Dombroski stated there is very little difference between a hotel and a boardinghouse. Neal Liddicoat stated DPW does not have the same similarities between the two and DPW considers a boardinghouse a residential use.

## VIII. Committee Reports

### a. Master Plan Update

Myers provided an update to the last meeting. The Committee started on Goals and Policies and will continue with that at the next meeting. The next meeting is April 8 at 4 pm. Straus stated if anyone would like to review the existing land use map they can.

## IX. Old Business

### a. R123-080-093 Lounsbury Lot Split

Evashevksi stated that her concerns at last meeting under Article 24 stating any condominium project has to comply with all regulations of the zoning district. Under our ordinance it is subject to same requirements and limitations. The proposed condominium setbacks, density, and lot size do not comply with requirements even before being divided. Evashevski thinks the goal was to take something already out of compliance and make it a little better. This is not a situation for a variance. If we move forward with this and ignore this section of ordinance, Evashevski does not see how we would come back from it. Evashevski's recommendation is to deny because it does not meet the requirements of a subdivided lot. Evashevski suggested it might be something to look at at a committee level, and potentially with Adam Young. When reviewing she ran in to alot of questions. If one or both of the buildings ever need to come down they would be rebuilt in a more conforming manner. How do we keep track of this and allow? Neil Hill stated this started when his client asked him to find a way to divide a piece of property with two primary structures on it. According to our ordinance it is not two primary structures. Does Mackinac Island want these primary structures? If so, can you work within your rules to allow it. Hill feels this property is a good candidate for this. Hill's intention was to make any noncompliance, better. If one of the structures were to burn down tomorrow, the owner has the right to rebuild, as it is. Currently the structures are too close together. The owner would like the two structures to have two different owners. If this was approved, and one of the buildings was destroyed, the new structure would have to be moved to comply with the new restrictions, making it more compliant. Myers stated there were issues with other condos with master plan being changed. The City wasn't happy with that. Hill doesn't see why the City can't require that a master plan can't have a clause in it that would require that if something changes it would need to be reviewed by the City again. One of the Commissioners asked about the Davis and Bunker apartments. Dombroski stated that he thinks 8 or more variances were required. Evashevski talked to Marzella about that. Variances should be very specific and not recurring. Hill asked if the exact variances were determined for this property. Myers asked what they did with the McGreevy lot. Dombroski said that was a lot line adjustment, the parcels had already been split. Myers asked in overall picture given Hill's experience, should we send to lot split with

variances required, or condominiumize? Dufina said the situation only improves if one has to be rebuilt. Myers asked if others wanted to do this same thing is it good or bad? Hill stated that depends on what the community wants. Evashevski stated the approval of this would create a lot of issues. Straus asked if the approval could wait until the master plan update was done. Hill stated he did not know if the client could wait. Hill asked if there is a way to incorporate requirements from the city in the deed. Evashevski stated that is a good question but as of right now she knows of no ability to require that. If we wanted to look at changes to our ordinance we could do that. A problem is also, how would we remember that. If the condominium is approved, the condominium can be collapsed at any time. If that were to happen here, it would then go back to the original lots with one owner. Different scenarios were discussed if this was approved. Pettit asked Evashevski if there is a solution if she recommends not approving. Evashevski said a solution would be looking to see if we want to change our ordinance. Evashevski stated she would like to see it go to committee and also be reviewed by the Master Plan committee. Motion to table for 30 days, reach out to Adam Young with our conundrum, and allow Evashevski and Young to discuss. Dombroski read Section 5 of ordinance stating that they could not build a larger structure if current structure is destroyed.

Motion made by Myers, Seconded by Martin.  
Voting Yea: Martin, Pettit, Straus, Myers, Mosley, Dufina

## **X. New Business**

### **a. R124-019-010 Spitzer Porch Railing Replacement**

Dombroski stated that Dr. Spitzer is wise in replacing the railing because it is in bad shape. The proposed cable railing system is not new, it has been used. Dr. Spitzer stated that his number one concern is safety so he went with a system that was maximally safe. The railing is not really visible. The system itself is designed to be virtually invisible. Straus asked what deck is made of. Spitzer said a wood deck with a membrane over it, similar to what you use on a roof. The sections will be attached to the house by brackets. Myers believes the style is fitting with Spitzer's relatively more modern home and not visible from the street or Stonebrooke. Dufina asked if there was anything between the cables. Dombroski stated there is the main post and then intermediate posts that add more stiffness to the cable. The cables cannot be pushed apart. Motion to approve noting it is not visible from the road and the style is fitting with Spitzer's relatively more modern home and works on this home in particular.

Motion made by Myers, Seconded by Mosley.  
Voting Yea: Martin, Pettit, Straus, Myers, Mosley, Dufina

### **b. R123-025-030 Steve Murray New Dock**

Dombroski said this is a reapplication for a dock off his lot in the Mission area. The dock is wood but a side elevation showing the height above the high water level was not shown. This originally was submitted in 2023 and was metal and wood. This

conflicted with the EGLE approval. The side elevation and lighting should be provided. Myers asked if there are any plans to put anything on the dock. Murray stated no. Murray said there is no power to the dock so no current plans to add lighting, but probably would in the future for safety reasons. Murray stated this was approved at City Council about three years ago but it was never done. Everything is the same as originally approved. Motion to table until end of meeting. for side elevation and EGLE approval.

Motion made by Myers.

Voting Yea: Martin, Pettit, Straus, Myers, Mosley, Dufina

At the end of the meeting Murray supplied the side elevation. Motion by Myers, second by Dufina to approve contingent on EGLE approval and any lighting changes.

Motion made by Myers, Seconded by Mosley.

Voting Yea: Martin, Pettit, Straus, Myers, Mosley, Dufina

c. R424-043-011 GFAK LLC Special Land Use

Corey Omev the architect was available for any questions. Evashevski stated article 19 must be reviewed.

Evashevski asked the applicant if they are applying for boardinghouse which is a special land use under R4, but wanted to bring up the issue it appears to be both multi family and boardinghouse. Evashevski stated that would be a separate special land use. Evashevski suggested the applicant work with Dombroski's office and see if it is currently allowed or done without permission. It was determined this would predate R4, so it would be legal non-conforming. Evashevski stated she needs to review article 5, legal non-conforming, to see if both need to be reviewed. It was determined that the applicant would move forward with employee housing land use, and do the multi family if needed. Motion to set a public hearing for May 14, 2024 at 3:30 PM.

Pettit confirmed the density. Buffering is also shown with landscaping and an existing fence with additional landscaping. Omev stated the summary is shown on page A05 regarding code requirements. Pettit asked what the allowable density is . Omev said up to 10 and the two apartments will be the owner and a long term employee. The whole area allows for 25 occupants, 10 units. Pettit asked if they would be willing to state a maximum number of occupants. Omev stated yes he would limit to 4 people on the deed. If any changes in the future owner would have to come back for review. Myers asked Katy Rise if pets are allowed. Rise stated the employee part would not allow pets. Myers asked the applicant to put this in writing for the hearing.

Motion made by Dufina, Seconded by Martin.  
Voting Yea: Martin, Pettit, Straus, Myers, Mosley, Dufina

Motion to change the April 9 meeting to 3:00 PM .

Motion made by Myers, Seconded by Martin.  
Voting Yea: Martin, Pettit, Straus, Myers, Mosley, Dufina

## **XI. Public Comment**

Martin asked about the red house engineering study. Straus stated the homeowner did not allow the study because they felt the engineer would be bias.

Pettit asked about the May house falling in. HDC should also track that and send letter to owner.

## **XII. Adjournment**

Motion to adjourn at 3:07 PM

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Michael Straus, Chair

Katie Pereny, Secretary