

CHARLEVOIX COUNTY PARKS & PLANNING DEPARTMENT

301 State Street
Charlevoix, Michigan 49720
(231) 547-7234
planning@charlevoixcounty.org

October 8, 2020

Kitty McNamara
St. James Township Supervisor
P.O. Box 85
Beaver Island, MI 49782

Kitty,

At their meeting on October 1, 2020, the Charlevoix County Planning Commission reviewed the request by Davilyn Stein to rezone an approximately 0.5 acre parcel, having property tax identification # 15-013-223-026-00, located at 25759 Pine Street in St. James Township from Single Family Residential (R-1) to Single Family Residential (R-2). After reviewing the information provided by the Township and the Parks & Planning Department Staff Review, the Planning Commission took the following action:

MOTION by L. Levengood to recommend approval of the proposed rezoning of this property from R-1 to R-2. M. Ritter seconded the motion. Roll call vote: R. VanZee- yes, L. Levengood- yes, M. Ritter-yes, M. Webster- yes, B. Tidmore- yes. Motion passed.

Please refer to the enclosed draft minutes of the Planning Commission meeting and the Parks & Planning Department Staff Review for further details. If you have any questions, please feel free to contact me at (231) 547-7234 or starkk2@charlevoixcounty.org.

Sincerely,

Kiersten Stark
Parks & Planning Director

cc: Patrick McGinnity, St. James Twp P.C. Chair (via email)



CHARLEVOIX COUNTY PLANNING COMMISSION

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Excerpts from DRAFT Meeting Minutes October 1, 2020

I. Call to Order

Chairman VanZee called the meeting to order at 6:00 p.m. remotely via Zoom.

Members present: Mike Webster, Mike Ritter, Ron VanZee, Bob Tidmore, Larry Levensgood

Members absent: Michael Buttigieg (excused)

Others present: Ron Reinhardt (County Commissioner Liaison), Kiersten Stark (Parks & Planning Director), Kathleen Fortune (Parks & Planning Administrative Assistant), Steven Voice, Bob Drost

VI. Townships, Cities, MI Dept of EGLE & Corps of Engineers Items

St. James Township Proposed Rezone (Stein Trust)

K. Stark reviewed the Parks and Planning Department Staff Review on the request to rezone an approximately 0.5 acre parcel, having property tax identification # 15-013-223-026-00, owned by the Davilyn J. Stein Trust and located at 25759 Pine Street in St. James Township on Beaver Island from Single Family Residential (R-1) to Single Family Residential (R-2). K. Stark reviewed a comparison of the land uses allowed in each district, the dimensional requirements of the two districts, existing uses on the Stein Trust property and adjacent parcels, the zoning of surrounding properties, relationship to the Beaver Island Master Plan, soil types on the property, the Township Planning Commission recommendation, and additional points to consider. All the surrounding lots are zoned R-2, and somehow this parcel got missed in the past, according to the Township. The owner would like to rezone and combine this property with a neighboring R-2 parcel to make it buildable (currently it is not). By rezoning the property, setbacks will change to allow for a structure.

MOTION by L. Levensgood to recommend approval of the proposed rezoning of this property from R-1 to R-2. M. Ritter seconded the motion. Roll call vote: R. VanZee- yes, L. Levensgood- yes, M. Ritter-yes, M. Webster- yes, B. Tidmore- yes. Motion passed.



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Staff Review St. James Township Proposed Rezone

Background Information

Property Owner/Applicant: Davilyn J. Stein Trust
Property Tax ID #: 15-013-223-026-00
Property Address: 25759 Pine St., Beaver Island
Parcel Size: 0.58 acre
Parcel Dimensions: 61.91 ft. wide (average) x 418.45 ft. deep (per survey)
Please see the attached *Location Map*.

Current and Proposed Zoning

Current Zoning District: Single Family Residential (R-1)
Proposed Zoning District: Single Family Residential (R-2)

Comparison of Land Uses Allowed

Legend: P = Permitted Use
SP = Special Use
--- = Not Allowed

Land Uses	R-1 District	R-2 District
1. One (1) single-family dwelling on a lot	P	P
2. One (1) accessory dwelling per lot	P	P
3. Public schools and colleges owned and operated by a governmental agency	P	---

4. Parks, playgrounds, playfields, museums, libraries, fire stations, community centers and other public buildings owned and operated by a governmental agency or a non-profit neighborhood group	P	P (parks, playgrounds, playfields, and other recreation facilities only)
5. Docks, boat landings and similar structures	P	P
6. Maximum of two (2) detached accessory buildings per lot (in addition to an accessory dwelling)	P	P
7. Home-based businesses, such as business and professional offices, telecommuting businesses, and the manufacture of hand-crafted products	P	P
8. Religious institutions	P	---
9. Adult foster care facilities for six (6) or less persons	P	P
10. Group day care homes	P	P
11. Child day care facilities for six (6) or fewer children	P	P
12. Short-term rentals.	P	P
13. Other accessory uses customarily incidental to the above uses	P (uses 1-12 above)	P (only uses 1, 2, 4 and 5 above)
14. Cemeteries	SP	SP
15. Institutions for human care	SP	SP
16. Bed and breakfasts	SP	SP

Source: St. James Township Zoning Ordinance

Comparison of Dimensional Requirements

Dimensional Requirement	R-1 District	R-2 District
Minimum Lot Area	100,000 square feet (approx. 2.3 acres)	15,000 square feet (approx. 0.3 acre)
Minimum Lot Width	200 feet at the building line	100 feet at the building line
Minimum Front Yard Setback	35 feet	25 feet
Minimum Side Yard Setback	25 feet (10 feet for lots of record lawfully in existence on or before August 5, 1992 that are 100 feet or less in width)	10 feet
Minimum Rear Yard Setback	35 feet, except in the case of lakefront lots where 40% or more of the lots located within 1,000 feet on either side of and parallel to the shoreline are occupied by buildings, no building	35 feet, except in the case of lakefront lots where 40% or more of the lots located within 1,000 feet on either side of and parallel to the shoreline are occupied by buildings, no building

	hereafter erected or structurally altered shall extend nearer the water's edge that the average rear yard line established by these buildings.	hereafter erected or structurally altered shall extend nearer the water's edge that the average rear yard line established by these buildings.
Minimum Square Footage	<i>Principal dwellings:</i> 768 square feet, excluding porches, garages, basements, and utility areas <i>Multi-story buildings:</i> 600 square feet on the first floor <i>Accessory dwellings:</i> 600 square feet	<i>Principal dwellings:</i> 600 square feet, excluding porches, garages, basements, and utility areas <i>Multi-story buildings:</i> 600 square feet on the first floor <i>Accessory dwellings:</i> 400 square feet, excluding porches, garages, basements, and utility areas, but may not exceed the lesser of 1,000 square feet or 50% of the floor area of the principal structure
Maximum Building Height	35 feet	35 feet

Source: St. James Township Zoning Ordinance

Existing Uses on the Subject Parcel and Surrounding Properties

The subject parcel is wooded and undeveloped. The adjacent properties are mostly wooded with single family homes. Please see the attached *Land Use/Cover & Soil Map*.

Zoning of Surrounding Properties

The parcels to the west, south, and east are all zoned Single Family Residential (R-2). To the north is Lake Michigan. Please see the attached *Zoning Map*.

Relationship to Master Plan

The future land use map in the Beaver Island Master Plan designates this area as Medium Density Residential with a Shoreline Protection overlay. Please see the attached future land use map from the Master Plan. Following is the description of Medium Density Residential from page 146 of the Master Plan:

“The medium-density residential areas are primarily located in St. James and Peaine Township and areas along the Lake Michigan shoreline. This district allows for a greater number of homes per acre. This district should retain a pedestrian-scale design with amenities for bikers and walkers, affordable housing options such as accessory dwelling units, and a mixture of home styles.”

Recommendations:

- Encourage connections to trails and other public amenities.
- Continue allowing and encouraging accessory dwelling units. Consider lowering the minimum living area requirement.
- Encourage unique building types and designs.

Following is the description of Shoreline (identified in the plan as a feature to protect) from page 142 of the Master Plan:

“The shoreline includes the land 25-feet landward of the ordinary high water mark of Lake Michigan. Protecting this area from over development and visual degradation will preserve sensitive environmental features, scenic views, and public accessibility to the waterfront.”

Recommendations:

- Keep the existing protections listed in the Zoning Ordinance including a vegetative buffer, a 100-foot setback from the ordinary high water mark line, and limitations on building size and number allowed close to the shoreline.
- Evaluate areas where erosion and coastal flooding are concerns. Possibly increase the setback in these areas.
- Prohibit expansions of seawalls or other shoreline hardening structures.
- Regulate the number of properties that can share a single access point to the water.

Soils

Please see the attached *Land Use/Cover & Soil Map* showing the soil types on the property.

Soil Symbol	Soil Name	Slope	Features affecting foundations for low buildings	Suitability for septic tank disposal fields
DDC	Deer Park – Dune land association, rolling	6 to 18%	Well drained; slight compressibility; good shear strength	Slight limitations where slopes are 0 to 12%; rapid permeability; possible contamination of shallow water supplies by effluent. Moderate limitations where slopes are 12 to 18%. Installation and operation of disposal fields are difficult where slopes are more than 12%.
Lb	Lake beaches	N/A due to periodic movement of soil materials	Too variable to be rated; onsite investigation required.	

Source: USDA Soil Survey of Charlevoix County, MI

Township Planning Commission Recommendation

The St. James Township Planning Commission recommended rezoning the property from Single Family Residential (R-1) to Single Family Residential (R-2). Please see the minutes of the St. James Township Planning Commission’s September 1, 2020 meeting.

Points to Consider

The Master Plan supports the rezoning of this parcel to R-2.

On the zoning map, this parcel is a spot zone, with different requirements than all of the surrounding parcels, which are zoned R-2.

This parcel would meet the minimum lot area in the R-2 District. While it would not meet the minimum lot width in R-2, it would be less non-conforming if it is rezoned to R-2.

Prepared by:

Kiersten Stark
Parks & Planning Director

With mapping assistance from:

Lauren Richards
GIS Technician
Charlevoix County Equalization Department

St. James Township Proposed Rezoning Stein Trust LOCATION MAP

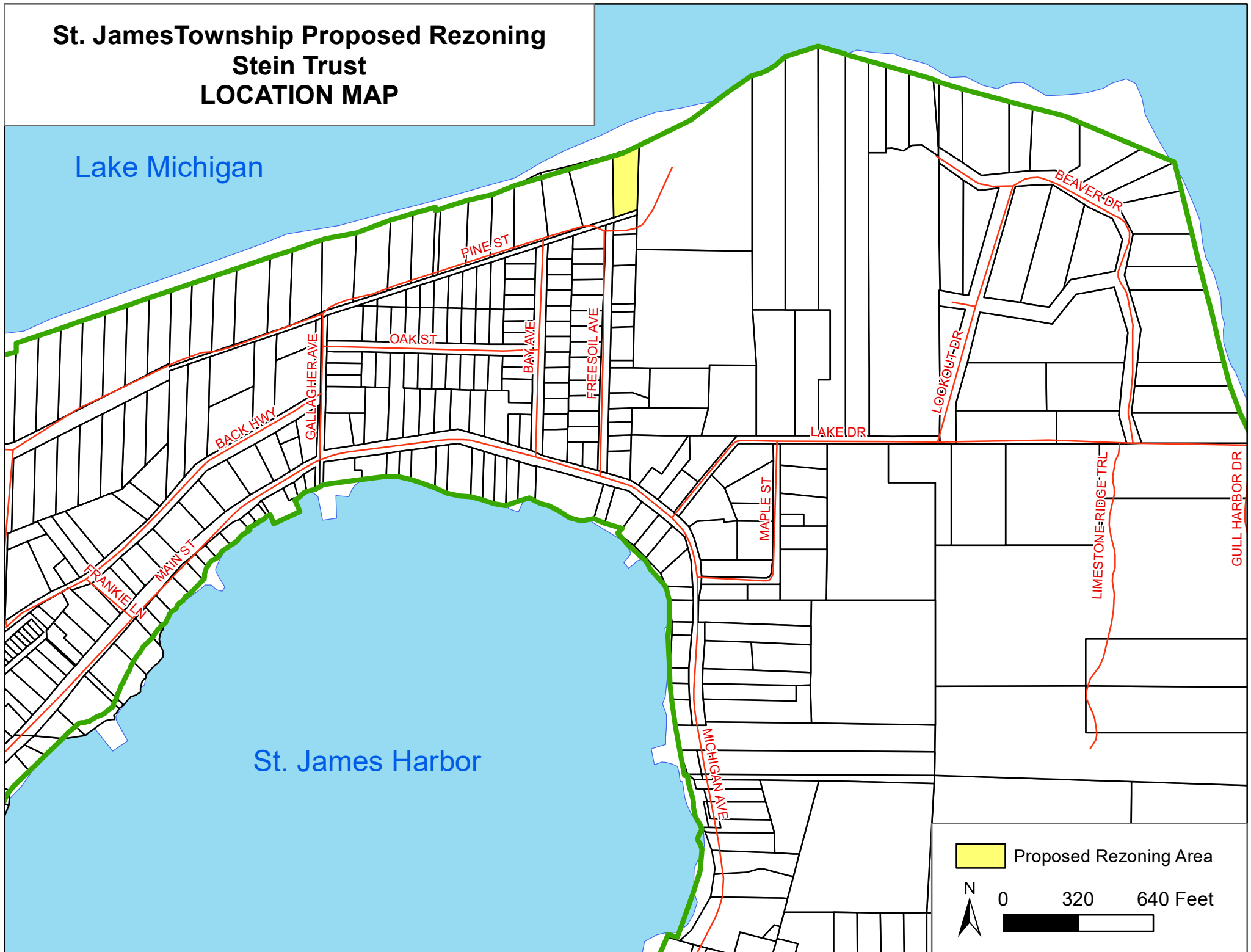
Lake Michigan

St. James Harbor

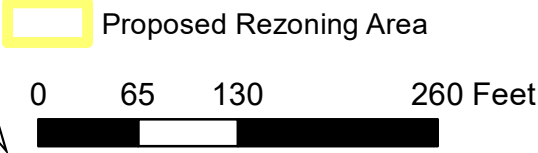
 Proposed Rezoning Area



0 320 640 Feet



St. James Township Proposed Rezoning
Stein Trust
LAND USE/COVER & SOIL MAP



Lake Michigan

Lb

DDC

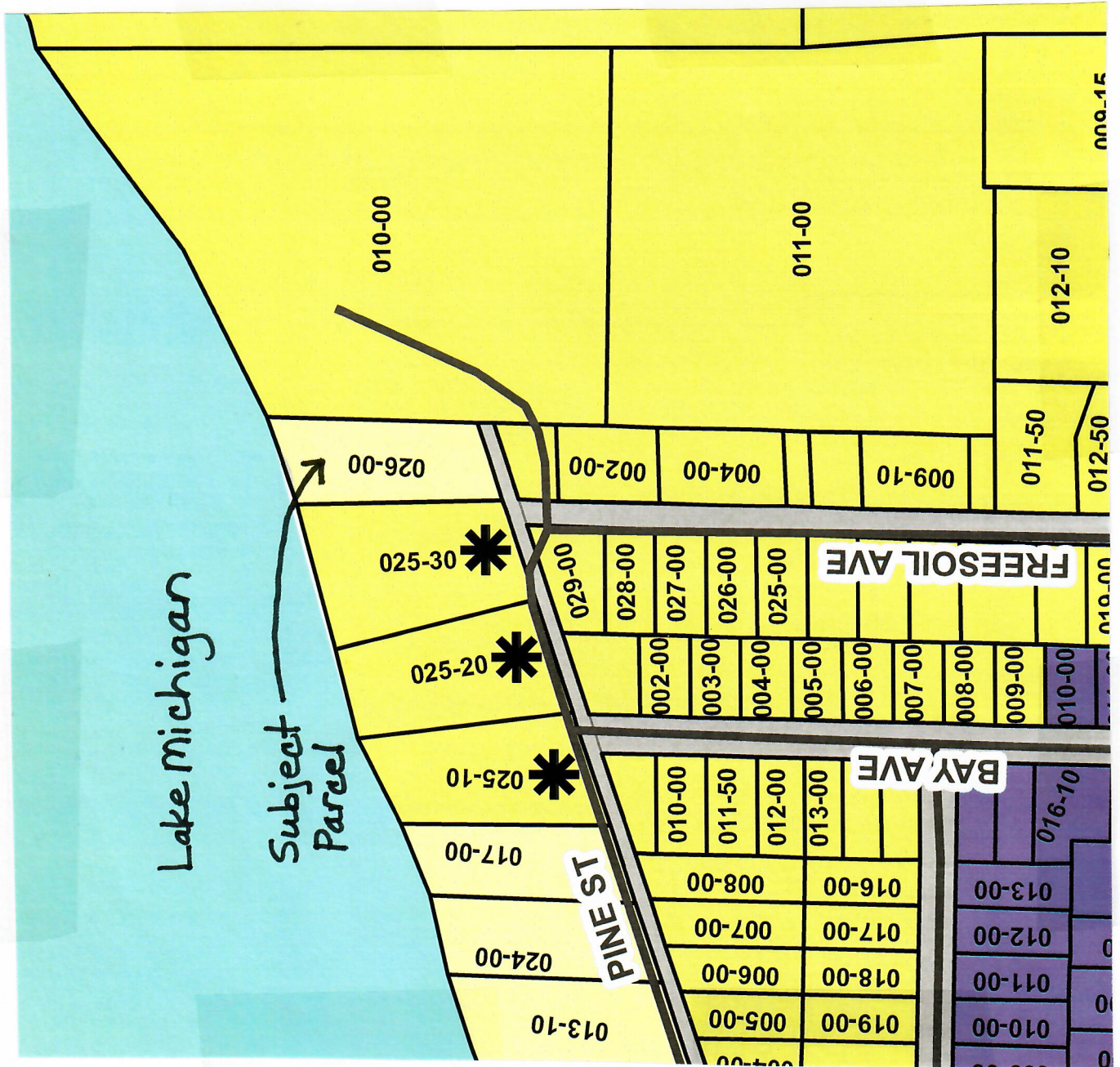
PINE ST

BAY AVE

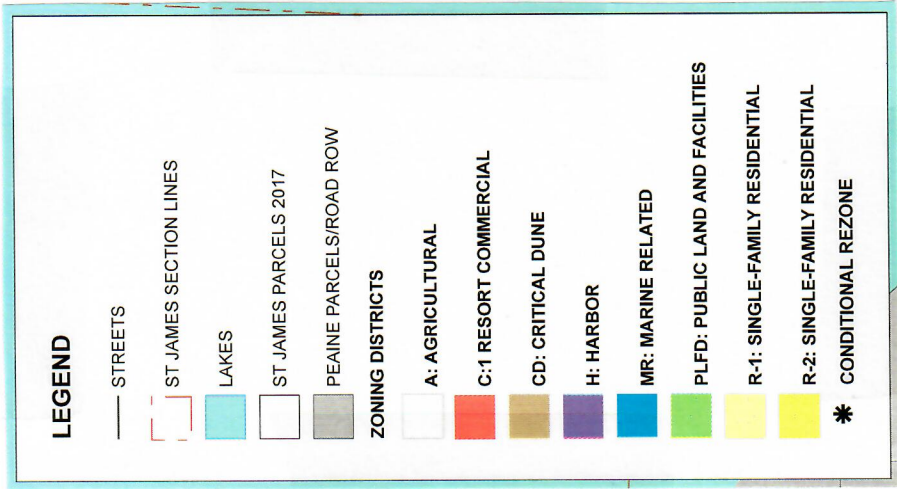
Ak

FREE SOIL AVE

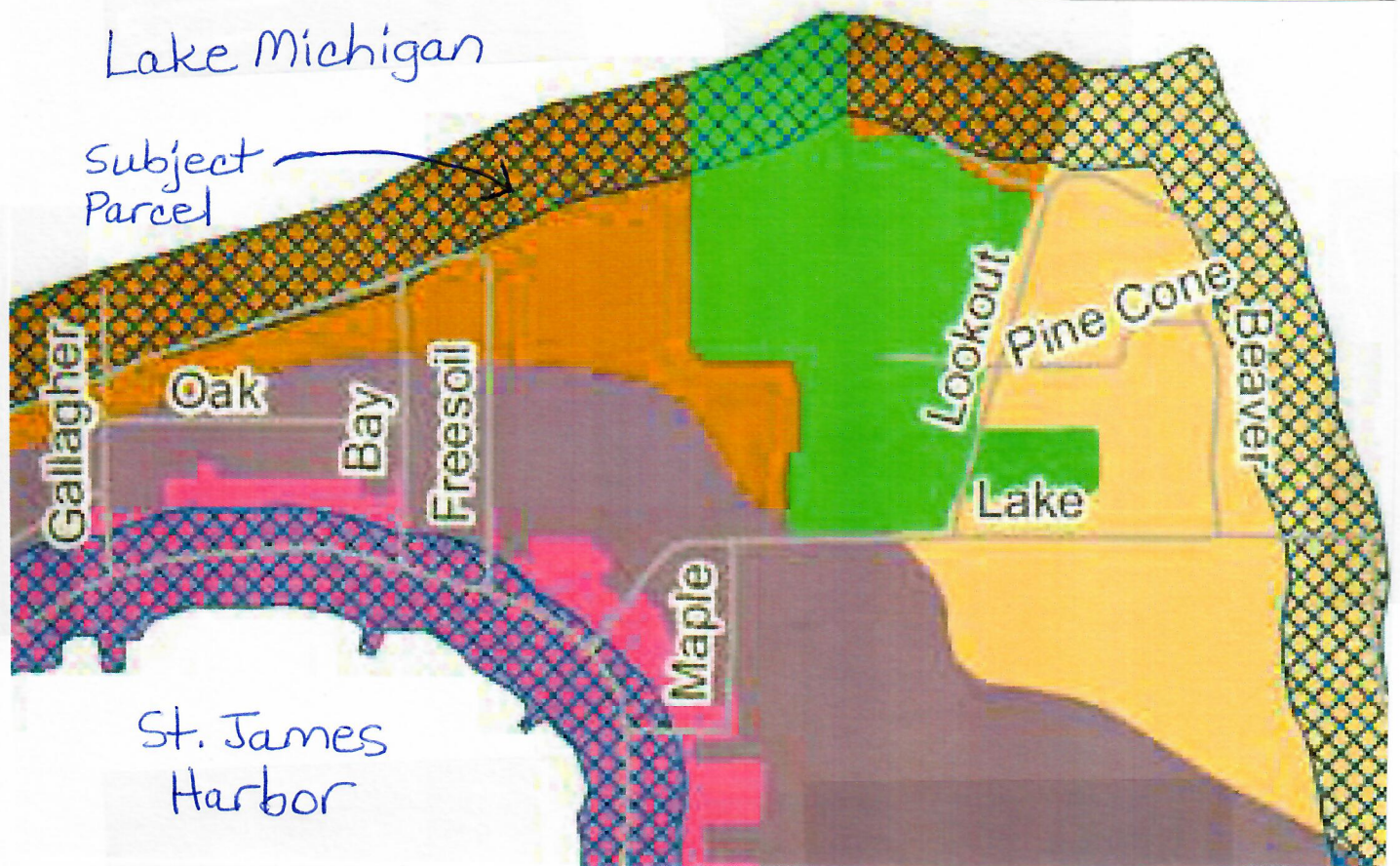
St. James Township Zoning Map



↑ North



St. James Township Future Land Use Map



Legend

Features to Protect

- Shoreline Protection
- Sensitive Features
- Critical Dune
- Road Corridor
- Public Open Space

Features to Promote

- Agriculture
- Downtown
- Harbor Area

Places to Build

- Woodland Res.
- Low Density Res.
- Medium Density Res.
- Commercial
- Airport

↑
North