



CHARLEVOIX COUNTY PLANNING DEPARTMENT

13513 Division Street
Charlevoix, Michigan 49720
(231) 547-7234
planning@charlevoixcounty.org

February 25, 2025

Cynthia Pryor
Recording Secretary
St. James Township Planning Commission
P.O. Box 85
Beaver Island, MI 49782

Cynthia,

At their meeting on February 6, 2025, the Charlevoix County Planning Commission reviewed the request by Rene S. Adrian-Rogers to conditionally rezone her 2.38-acre parcel, having property tax identification # 15-013-223-001-90, located at 25460 Lake Dr. in St. James Township from Single Family Residential (R-1) to Harbor (H), with the offered condition that commercial uses allowed on the parcel would be limited to an art gallery business only. After reviewing the information provided by the Township as well as the Planning Department Staff Report, the Planning Commission took the following action:

MOTION by P. Grassmick to send the Planning Department Staff Report to St. James Township for their consideration. M. Cunningham seconded the motion. Discussion: A. McGlashen said a text amendment to the Harbor district to allow home-based businesses, including the sale of goods, would still require a rezoning of the Adrian-Rogers property to the Harbor district, not the R-1 district, correct? K. Stark said yes, that's correct. P. Grassmick said there is very little R-1 zoning in the Township; it's mostly Harbor district. A. McGlashen said the Adrian-Rogers parcel is currently zoned R-1, correct? K. Stark said yes, acknowledging that a text amendment to the Harbor district would not help in the case of the Adrian-Rogers property, unless it is rezoned to Harbor. P. Grassmick emphasized that this would be a decision for the Township. K. Stark agreed. A. McGlashen added the proposed rezoning has come before the County Planning Commission once already and the landowners probably want to get started selling goods soon. P. Grassmick said not until summer. K. Stark said the County Planning Commission had suggested the option of a text amendment to the R-1 district when we reviewed the proposed rezoning last year; the Township may have considered this option already and ruled it out. Voice vote on the motion: all in favor. Motion passed.

Please refer to the enclosed draft minutes of the Planning Commission meeting and the Planning Department Staff Report for details.

Also, I recommend consulting with the Township's legal counsel regarding whether or not the Township can specify that the property will revert back to its original (R-1) zoning when the property is no longer owned by the applicant. The Michigan Zoning Enabling Act provides for zoning reversion in the case of a conditional rezoning, but that provision applies to situations where the conditions have not been met within a specified time period, which is different than a change in ownership of the property. The Township could certainly rezone the property back to R-1 in the future, if desired. The question is, can the zoning revert back to R-1 automatically?

If you have any questions regarding our review, please feel free to contact me at (231) 547-7234 or starkk2@charlevoixcounty.org.

Sincerely,

Kiersten J Stark

Kiersten Stark
Planning Director

cc: Julie Gillespie, Township Clerk (via email)



CHARLEVOIX COUNTY PLANNING COMMISSION

13513 Division Street
Charlevoix, Michigan 49720
(231) 547-7234
planning@charlevoixcounty.org

Excerpts of DRAFT Meeting Minutes February 6, 2025

I. Call to Order

Chairperson Nancy Ferguson called the meeting to order at 6:02 p.m. in the Committee Room at the Charlevoix County Shirley Roloff Center.

Members present: Nancy Ferguson, Pam Grassmick, Anna McGlashen, Matt Cunningham, Mike Ritter, Marshal Baker, and David Wheeler (arrived at 6:03 p.m.)

Members absent: None

Others present: Kiersten Stark (Planning Director) and Bob Jess (County Commissioner Liaison), LuAnne Kozma, and Ellis Boal

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

St. James Township Proposed Conditional Rezone (Adrian-Rogers)

N. Ferguson explained that the Planning Commission previously reviewed a proposed (traditional) rezoning of this property from Single Family Residential (R-1) to Harbor (H). She said that Staff had provided a copy of the record of our previous review, during which K. Stark had suggested the option of a conditional rezoning, for consideration by the Township. Subsequently, the applicant/landowner submitted an application for a conditional rezoning, which is now before the Planning Commission for review.

K. Stark reviewed the request by Rene S. Adrian-Rogers to conditionally rezone a 2.38-acre parcel located at 25460 Lake Dr. in St. James Township from Single Family Residential (R-1) to Harbor (H). The condition offered by the applicant is to limit the commercial uses allowed on this parcel to an art gallery business only. K. Stark gave an overview of the history and what is currently proposed.

K. Stark reviewed the Planning Department Staff Report on the conditional rezoning request. She had no concerns with the conditional rezoning request. Given that the adjacent parcel to the west is zoned Harbor (H), the requested conditional rezoning of the Adrian-Rogers property would be a logical transition from the Harbor district to the Single-Family Residential district, given that commercial uses on the subject parcel would be limited to an art gallery business only.

K. Stark also recommended that if the Township approves the conditional rezoning request, their motion should be worded to clearly convey the land uses the Township intends to allow on the property. This is to avoid inadvertently creating non-conformities out of the existing uses on the property.

K. Stark said another option, instead of conditionally rezoning the property, would be a text amendment to the zoning ordinance to allow home-based businesses, *including the sale of goods*, as a permitted use in the Harbor (H) district, given the stated purpose of the Harbor district and the fact that it already allows many commercial uses, including retail businesses. Understandably, a text amendment such as this would open up the entire Harbor district to allow home-based businesses, including the sale of goods, which could potentially change the character of the Harbor district (more commercial and less residential). The Township may have already considered this possibility and ruled it out, but if not, it is worth considering. If the Township wishes to explore this further, it would be beneficial to work with a Planner.

As a side note, looking at the site plan of the property, K. Stark questioned if the Quack Shack (duck pen) would be considered an accessory structure under the zoning ordinance. If so, it appears there are three (3) accessory buildings/structures on the property. The zoning ordinance only allows two (2) detached accessory buildings, not only in the Harbor district, but also in the R-1 district, as the property is currently zoned. K. Stark questioned if this issue has been addressed by the Township. If it hasn't already been addressed, she asked, would it be an option to move the Quack Shack and attach it to the outside of the pole barn? This would bring the property into compliance as far as accessory buildings are concerned (whether or not the property is rezoned). It might work better, too, if they're having more people coming to their property to go to the gallery; they may not want the duck pen in the middle of that activity. Moving the duck pen over to the pole barn would also get it further away from the art gallery.

MOTION by P. Grassmick to send the Planning Department Staff Report to St. James Township for their consideration. M. Cunningham seconded the motion. Discussion: A. McGlashen said a text amendment to the Harbor district to allow home-based businesses, including the sale of goods, would still require a rezoning of the Adrian-Rogers property to the Harbor district, not the R-1 district, correct? K. Stark said yes, that's correct. P. Grassmick said there is very little R-1 zoning in the Township; it's mostly Harbor district. A. McGlashen said the Adrian-Rogers parcel is currently zoned R-1, correct? K. Stark said yes, acknowledging that a text amendment to the Harbor district would not help in the case of the Adrian-Rogers property, unless it is rezoned to Harbor. P. Grassmick emphasized that this would be a decision for the Township. K. Stark agreed. A. McGlashen added the proposed rezoning has come before the County Planning Commission once already and the landowners probably want to get started selling goods soon. P. Grassmick said not until summer. K. Stark said the County Planning Commission had suggested the option of a text amendment to the R-1 district when we reviewed the proposed rezoning last year; the Township may have considered this option already and ruled it out. Voice vote on the motion: all in favor. Motion passed.



CHARLEVOIX COUNTY PLANNING DEPARTMENT

13513 Division Street
Charlevoix, Michigan 49720
(231) 547-7234
planning@charlevoixcounty.org

Staff Report St. James Township Proposed Conditional Rezone (Adrian-Rogers)

I have no concerns with a conditional rezoning of this property to the Harbor (H) district to allow an art gallery to enable the applicant to sell goods in her art studio. Given that the adjacent parcel to the west is zoned Harbor, the requested conditional rezoning of the Adrian-Rogers property would be a logical transition from the Harbor district to the Single-Family Residential district. If the Township ultimately decides to approve the conditional rezoning to Harbor (H) to allow an art gallery, their motion should be worded to clarify that the uses permitted on the property would include two (2) detached accessory buildings, an art gallery, and a single-family dwelling. Otherwise, a conditional rezoning to Harbor to only allow an art gallery would inadvertently create non-conforming uses (the cabin, the pole barn and the Quack Shack).

Another option, instead of conditionally rezoning this property, would be a text amendment to the zoning ordinance to allow home-based businesses as a permitted use in the Harbor district. The Township may also want to consider allowing the sale of goods as part of home-based businesses in the Harbor district, given the stated purpose of the Harbor district and the fact that it already allows many commercial uses, including retail businesses. Understandably, a text amendment such as this would open up the entire Harbor district (not just the Adrian-Rogers property) to include home-based businesses that would also include the sale of goods, which could potentially change the character of the Harbor district (more commercial and less residential). The Township may have already considered this option and ruled it out, but if not, it is worth considering. If the Township wishes to explore this further, it would be beneficial to work with a Planner.

Looking at the site plan of the property, would the Quack Shack (duck pen) be considered an accessory structure under the zoning ordinance? If so, then there are three (3) accessory buildings/structures on the property. The zoning ordinance only allows two (2) detached accessory buildings, not only in the Harbor district, but also in the R-1 district, as the property is currently zoned. If this is, in fact, a zoning violation, has it been addressed by the Township? If it hasn't already been addressed, would it be an option to move the Quack Shack and attach it to the outside of the Pole Barn? This would bring the property into compliance as far as accessory buildings are concerned (whether or not the property is rezoned).

Prepared by:

Kiersten Stark
Planning Director