



## CHARLEVOIX COUNTY PLANNING DEPARTMENT

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

May 30, 2024

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

Cynthia,

At their meeting on May 9, 2024, the Charlevoix County Planning Commission reviewed the proposed rezoning of a 2.38-acre parcel owned by Lawrence R. Rogers and Rene S. Adrian-Rogers, having property tax identification number 15-013-223-001-90 and located at 25460 Lake Dr. in St. James Township, from Single Family Residential (R-1) to Harbor (H). After reviewing the information provided by the Township and the Planning Department Staff Report, the Planning Commission took the following action:

MOTION by N. Ferguson that we cannot support a rezoning of this parcel from Single Family Residential (R-1) to Harbor (H) because it would allow many land uses that the Township may not want at that location, and that the Township may want to explore other options, such as a conditional rezoning to Harbor (H) or a text amendment to the Zoning Ordinance to allow, as a special use in the Single Family Residential (R-1) district, the sale of goods as part of a home-based business, and that the Planning Department Staff Report illustrates the drastic difference between the uses allowed in the Single Family Residential (R-1) district and the Harbor (H) district, a point which doesn't appear to have been discussed by the Township Planning Commission, based on the public hearing minutes. P. Grassmick seconded the motion. Voice vote: all in favor. Motion passed.

Please refer to the enclosed draft minutes of the Planning Commission meeting and the Planning Department Staff Report for further details. If you have any questions regarding our review, please contact me at (231) 547-7234 or [starkk2@charlevoixcounty.org](mailto:starkk2@charlevoixcounty.org).

Sincerely,

*Kiersten J Stark*

Kiersten Stark  
Planning Director



## CHARLEVOIX COUNTY PLANNING COMMISSION

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### Excerpts from DRAFT Meeting Minutes May 9, 2024

#### I. Call to Order

Chairperson Nancy Ferguson called the meeting to order at 6:01 p.m. in the Committee Room at the Charlevoix County Shirley Roloff Center.

Members present: Nancy Ferguson, Pam Grassmick, Matt Cunningham, Mike Ritter, and Dave Skornia

Members absent: None

Others present: Kiersten Stark (Planning Director) and Jerry Russell (Charlevoix Township resident)

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

##### St. James Township Proposed Rezone

Commission members and Staff considered the proposed rezoning of a 2.38-acre parcel owned by Lawrence R. Rogers and Rene S. Adrian-Rogers, having property tax identification number 15-013-223-001-90 and located at 25460 Lake Dr. in St. James Township, from Single Family Residential (R-1) to Harbor (H). K. Stark reviewed the Planning Department Staff Report on the proposed rezoning, which included a comparison of land uses allowed and dimensional requirements in the current versus proposed zoning district, existing uses and natural features on the subject parcel and surrounding properties, the zoning of adjacent parcels, the relationship to the Beaver Island Master Plan, the soil type, the Township Planning Commission's recommendation, and some general points to consider.

K. Stark said, after reviewing the proposed rezoning, she thought this would be a good candidate for a *conditional* rezoning to Harbor (H). However, a conditional rezoning could only be initiated by the property owner/applicant, not the Township.

D. Skornia noted that the subject property is already contiguous with the Harbor district.

P. Grassmick said the maps (in the Staff Report) do not show a complete picture of this geographic area. There are also two (2) nature preserves nearby. P. Grassmick said what is happening is Harbor district "creep". She emphasized that a rezoning to Harbor (H) district would run with the land and *any* of the uses allowed in the Harbor district could potentially be established on the property. P. Grassmick said

they just cleaned up an auto repair/junk car yard within 200 feet of the subject parcel; a rezoning of the subject parcel to the Harbor district would allow similar commercial uses to potentially be established in that area again. P. Grassmick said she had been informed that there was very little discussion of the proposed rezoning by the Township Planning Commission before they voted in favor of the rezoning. P. Grassmick also noted there were two (2) letters from nearby property owners in opposition to the rezoning. P. Grassmick noted that an art gallery on the subject property would be low impact. She could support a conditional rezoning to Harbor specifically to allow an art gallery. This would also acknowledge the investment made by other property owners in the area. She questioned what other improvements would be needed to establish the art gallery (i.e., public restrooms). K. Stark added it would need to be handicapped-accessible. P. Grassmick said these improvements could be costly.

D. Skornia questioned why the Township was considering a rezoning rather than the possibility of a text amendment to the zoning ordinance to allow goods to be sold as part of a home-based business as a special use in the Single Family Residential (R-1) district. He emphasized the Township is almost there because they already allow home-based businesses, such as the manufacture of hand-crafted products, as a permitted use with conditions in the R-1 district. D. Skornia said artist communities are very popular in northern Michigan. He added that with a special use permit, the Township would have the option to revoke the permit if activities on the property expand beyond what is specifically permitted. He also pointed out this is no different than allowing a farm stand on an Agricultural-zoned parcel for the sale of produce grown on the farm. He said limitations are typically placed on what can be sold at a farm stand as well. D. Skornia added that, as far as traffic is concerned, most people would probably walk to this property due to its location close to town. N. Ferguson said people like to walk in that wooded area. D. Skornia said, with a special use permit, the Township would have the ability to place conditions on the use and there would be a public hearing held as part of the approval process.

Further discussion took place regarding Harbor district “creep”. D. Skornia commented that, looking at the Township’s future land use map and the proximity of this parcel to the area designated “Harbor”, this is where you would expect to see Harbor district “creep”. So, it is *planned* “creep”.

M. Ritter asked when the neighboring parcel to the west was rezoned to Harbor. K. Stark said in 2018. M. Ritter was concerned about inconsistency – rezoning one parcel to Harbor, but not allowing the adjacent parcel to be rezoned to Harbor. M. Ritter questioned the reason for rezoning the one parcel to Harbor in the past. K. Stark said this parcel (Willis) is partially designated as Harbor on the future land use map. N. Ferguson said other factors may have been considered as well.

Looking at the zoning map, M. Ritter pointed out that the subject parcel is actually closer to St. James Harbor than many parcels which are already zoned Harbor. He also asked if the landowner could possibly locate her art gallery on another parcel that is already zoned Harbor (H).

MOTION by N. Ferguson that we cannot support a rezoning of this parcel from Single Family Residential (R-1) to Harbor (H) because it would allow many land uses that the Township may not want at that location, and that the Township may want to explore other options, such as a conditional rezoning to Harbor (H) or a text amendment to the Zoning Ordinance to allow, as a special use in the Single Family Residential (R-1) district, the sale of goods as part of a home-based business, and that the Planning Department Staff Report illustrates the drastic difference between the uses allowed in the Single Family Residential (R-1) district and the Harbor (H) district, a point which doesn’t appear to have been discussed by the Township Planning Commission, based on the public hearing minutes. P. Grassmick seconded the motion. Voice vote: all in favor. Motion passed.



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### Staff Report St. James Township Proposed Rezone

#### Background Information

Property Owner: Lawrence R. Rogers and Rene S. Adrian-Rogers  
Property Tax ID #: 013-223-001-90  
Property Address: 25460 Lake Dr., Beaver Island  
Parcel Size: 2.38 acres

#### Current and Proposed Zoning

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

#### Comparison of Land Uses Allowed

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

Land Uses	Single Family Residential (R-1)	Harbor (H)
Single-family dwellings	P (one (1) per lot)	P
One accessory dwelling per lot (shall not exceed the lesser of 1,500 square feet or 50% of the floor area of the principal dwelling, and other conditions; minimum 600 square feet)	P	---
Public schools and colleges, when owned and operated by a governmental agency	P	---
Parks, playgrounds, playfields, libraries, fire stations, community centers and other public buildings owned and operated by a governmental agency or a non-profit neighborhood group	P	P (only publicly owned and occupied municipal buildings,

		and municipal playgrounds and recreation areas)
Docks, boat landings and similar structures	P	P (wet or dry storage of boats, boat sales and brokerage firms, boat builders, yards and shops)
Two (2) detached accessory buildings	P (in addition to the accessory dwelling)	P
Home-based businesses, such as business and professional offices, telecommuting businesses, and the manufacture of hand-crafted products (with conditions)	P	---
Religious institutions	P	P
Adult foster care facilities for six (6) or fewer persons	P	---
Group day care homes	P	---
Child day care facilities for six (6) or fewer children	P	---
Other accessory uses customarily incidental to the above listed uses	P	---
Cemeteries	SP	---
Institutions for human care	SP	SP (including senior housing)
Bed and breakfasts	SP	P
Multiple family dwellings	---	P
Automobile and other vehicle sales	---	P
Boat, boat motor or related marine repair facilities	---	P
General office building (executive, administrative, professional)	---	P
Banks, savings & loan, insurance, real estate	---	P
Public utility offices	---	P
Generally recognized retail business, including but not limited to groceries, drugs, dry goods, clothing, and hardware	---	P
Single family residential dwelling to be used for rental purposes, and motels, hotels, and boarding houses	---	P
Museums, art galleries	---	P
Private club, halls	---	P
Indoor storage in a permanent structure, excluding toxic and/or hazardous materials	---	P

Indoor recreational uses (bowling alley, billiards)	---	P
Theaters	---	P
Personal service establishments, which perform services on the premises: repair (TV, radio, shoe), barber or beauty shop	---	P
Shop for custom work, provided it's not objectionable as being odorous, unsightly or noisy	---	P
Bakery not employing more than five (5) persons	---	P
Restaurants (not including drive-in restaurants) and bars	---	P
Gasoline filling or service station (with conditions)	---	P
Living quarters above or attached to the principal structure as long as it has a minimum of 600 square feet of floor area	---	SP
Temporary outdoor displays	---	SP

Source: St. James Township Zoning Ordinance

### Comparison of Dimensional Requirements

<b>Dimensional Requirement</b>	<b>Single Family Residential (R-1)</b>	<b>Harbor (H)</b>
Minimum Lot Area	100,000 square feet (smaller lots may be permitted provided the following standards are met: (a) Only lots of record as of Aug. 5, 1992 may be split (b) The split lot shall be a minimum of 150 feet in width at the front lot line or shall be split in half whichever is more (c) Minimum lot to measure 90,000 square feet in area	10,000 square feet
Minimum Lot Width	200 feet	None
Minimum Front Yard Setback	35 feet	25 feet, except for commercial bldgs where established bldgs on adjacent lots have an average setback of less than the minimum; in these cases, a new or expanded bldg shall have a front yard setback equal to the average setback established by the bldgs

		on both sides and w/in 200 feet of the new or expanded bldg
Minimum Side Yard Setback	25 feet	10 feet
Minimum Rear Yard Setback	35 feet	35 feet
Minimum Floor Area	<i>Principal dwelling:</i> 768 square feet of floor area excluding porches, garages, basements, and utility areas; 600 sq. ft. on first floor of multi-story building	<i>Single family residence:</i> 768 square feet of floor area; 600 sq. ft. on first floor of multi-story building
Maximum Building Height	35 feet; 20 feet for an accessory gazebo or garage	40 feet; 20 feet for an accessory gazebo or garage
Maximum Lot Coverage	No maximum	40% (30% for accessory buildings or structures in the rear yard)

Source: St. James Township Zoning Ordinance

### Existing Uses on the Subject Parcel and Surrounding Properties

The subject parcel is heavily wooded and features a single-family home (cabin), pole barn, and an art studio. The surrounding area is heavily wooded with a few single-family homes and accessory buildings.

### Zoning of Surrounding Properties

The parcels to the north are zoned Single-Family Residential (R-2). The parcels to the east and south are zoned Single-Family Residential (R-1). The parcel to the west is zoned Harbor (H). Please see the attached *Zoning Map*.

### Relationship to Master Plan

This parcel is designated Low Density Residential on the future land use map in the Beaver Island Master Plan. Following is a description of Low Density Residential from the Master Plan:

#### Low Density Residential

Low-density residential uses are located primarily along the Lake Michigan shoreline. Home-based businesses, accessory dwellings, and all types of home designs and styles are encouraged in this district. These areas should not be developed into conventional subdivisions with wide paved roads, minimal trees, and car-dependent design.

- Continue current zoning standards to encourage a mix of amenities in this district, such as parks, preserves, trails, and home-based businesses
- Encourage cluster development to preserve natural features

## 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
DDB	Deer Park-Dune land association, undulating	0 to 6%	Well drained; slight compressibility; good shear strength	Slight limitations due to rapid permeability; possible contamination of shallow water supplies by effluent

Source: USDA Soil Survey of Charlevoix County, MI

## Township Planning Commission Recommendation

The St. James Township Planning Commission recommended approval of the request to rezone the property from Single Family Residential (R-1) to Harbor (H).

## Staff Comments

Points to consider:

- While the future land use map designates this parcel as Low Density Residential, it's near the Harbor area to the west.
- This parcel is within walking distance of town (St. James).
- A rezoning to Harbor would allow *any* permitted uses and possibly special uses in that zoning district, some of which are higher intensity commercial uses.
- The subject parcel and surrounding area is heavily wooded, which provides buffering from neighboring properties.

*Prepared by:*

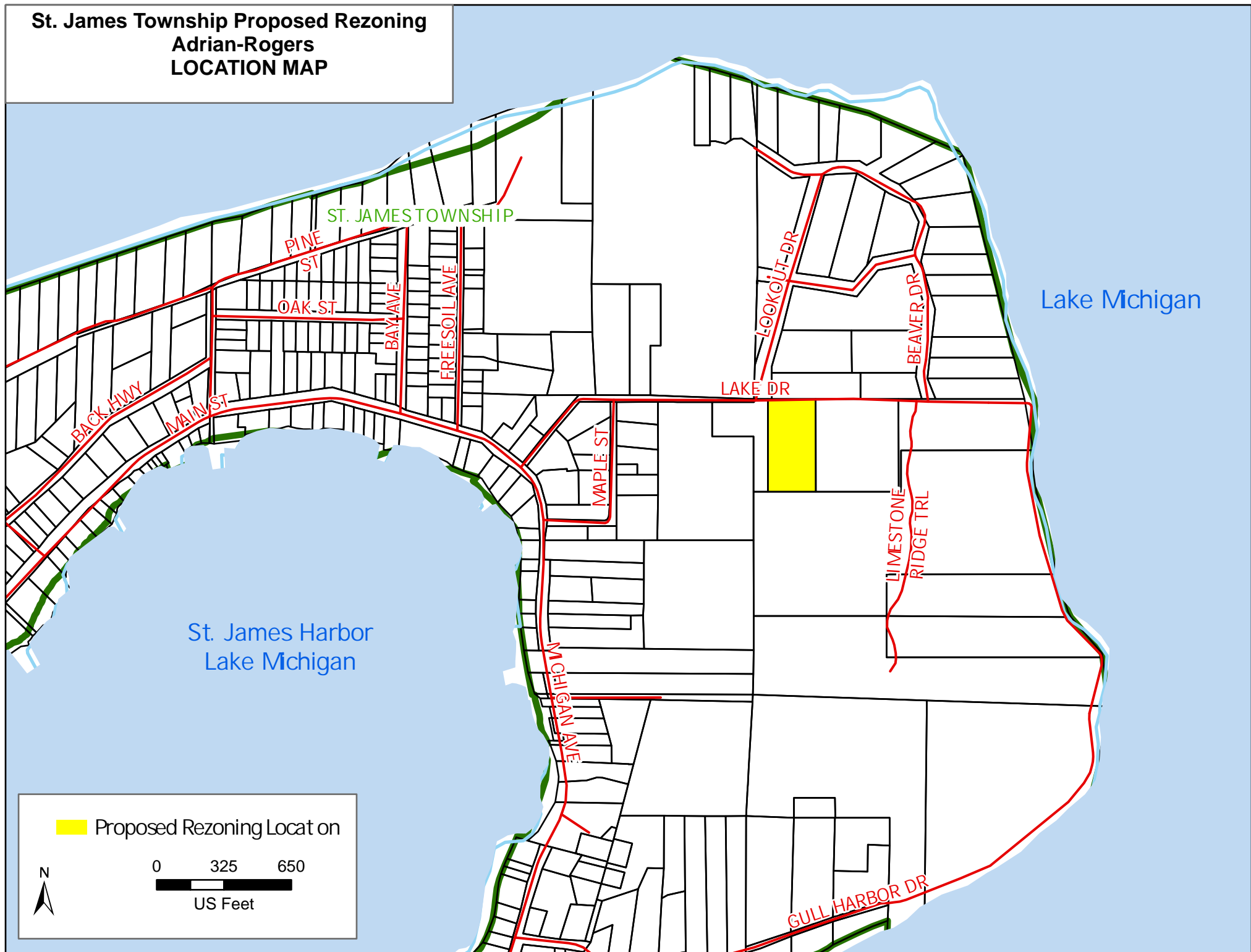
Kiersten Stark  
Planning Director

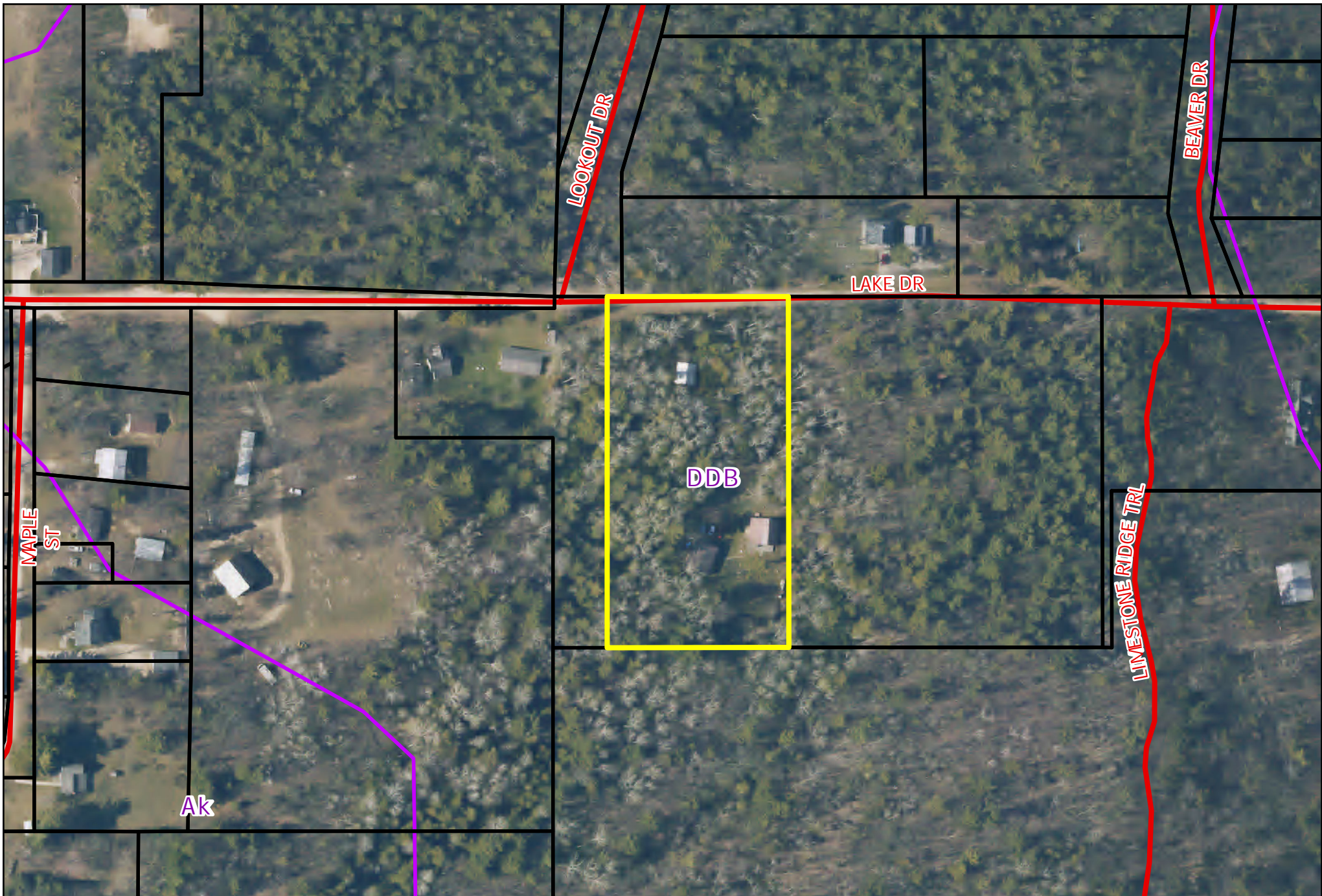
*With mapping assistance from:*

Devon Baker  
GIS Technician  
Charlevoix County Equalization Department



**St. James Township Proposed Rezoning  
Adrian-Rogers  
LOCATION MAP**





0 50 100 200  
Feet

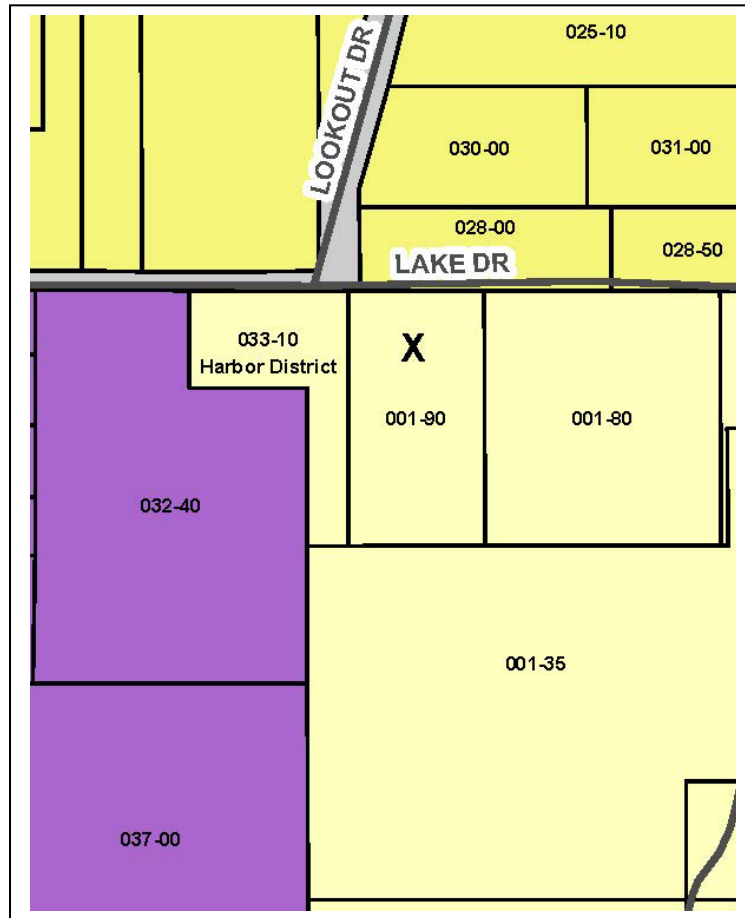
 Proposed Rezoning Locat on

**St. James Township Proposed Rezoning  
Adrian-Rogers  
LAND USE/COVER & SOIL MAP**



# St. James Township Zoning Map

## Adrian-Rogers Proposed Rezone



**X = Subject property**

### ZONING DISTRICTS



A: AGRICULTURAL



C:1 RESORT COMMERCIAL



CD: CRITICAL DUNE



H: HARBOR



MR: MARINE RELATED



PLFD: PUBLIC LAND AND FACILITIES



R-1: SINGLE-FAMILY RESIDENTIAL



R-2: SINGLE-FAMILY RESIDENTIAL

St. James Township Future Land Use Map  
Adrian-Rogers Proposed Rezone



**X = Subject property**

