

	PC FINDINGS	PC CONCLUSIONS	ZBA DECISION
<p>6.03.B.19</p>	<p>Planning commission discussion on 12/6/2023 deemed that the proposed site plan is not conforming to the provisions of this ordinance.</p>	<p>Not Met</p>	<p>Affirmed. Applicant did not meet the standard. Applicant was asked to provide additional information as to how project was harmonious with neighboring buildings and did not do so.</p>
<p>6.03.B.20</p>	<p>Waiver requested. See minutes of 10/4/23. Waiver discussed and denied by Planning Commission under PC Findings, Section 17.01.E.</p>	<p>Waiver not granted. The Planning Commission determined to deny the waiver for open space requirements as the second requirement for a waiver, that “The spirit and intent of the open space development provisions will still be achieved” was not met.</p>	<p>Reversed. Applicant met the standard. The waiver denied by the PC was requested under 17.01.E. The waivers at issue in 6.03.B.20 are waivers of the requirements of 6.03.B only.</p>
<p>6.05.A</p>	<p>The Planning Commission finds that the project is not harmonious with the character of the adjoining properties and not harmonious with the size of the buildings on adjoining properties due to the following reasons:</p> <p>1. The overall physical size of the subject property, which is intended to be approximately 12,000sf in floor area and 34 feet (3 stories) tall, would be much larger in total square footage and much taller in height than the square footage and height of any adjoining property. This would make it stand out visually and look out of place vs the adjoining properties and the area around it.</p> <p>Reasonable visual inspection of the adjoining properties and other properties in close proximity shows:</p> <ul style="list-style-type: none"> • The property directly to the north is a one story, single family residential home likely less than 2,500 sf in size • The property directly to the south is a two story residential home that is likely less than 2,500 sf in size • The property directly to the east is a two story residential home that has been converted to an office building which is likely no larger than 3,500 sf in size • The property directly to the west is a one story single family home that is 	<p>Not Met</p>	<p>Affirmed. Applicant did not meet the standard. The PC made detailed findings of fact comparing the proposed building and the buildings on adjoining properties. The PC also included photographs of the buildings. The PC findings support the conclusion reached by the PC that the project is not harmonious with the character of adjoining properties and not harmonious with the size of the buildings on adjoining properties. The PC decision was reasonable.</p>

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	<p>likely no larger than 2,000 sf in size</p> <ul style="list-style-type: none"> • Other properties in the immediate vicinity (adjoining the adjoining properties) are a single story office building with a small two story annex further to the south that is likely no greater than 4,000 sf in size, a single family residential home across M22 to the northeast that is likely no larger than 3,500 sf, the village green, which is across M22 to the southeast which is open greenspace/park and has no buildings on it, a one story residential home further to the east on Williams street that is likely no greater than 2,000 sf, a two story residential home further to the north which is likely no more than 3,000 sf. A single family home to the south west, that is not likely more than 2,000 sf and an open lot across Williams Street to the northwest that is green space. <p>2. The flat roof design of the subject property is out of character and not harmonious with the roofs of adjoining properties or properties nearby.</p> <ul style="list-style-type: none"> • The property directly to the north has a gabled roof • The property directly to the south has a gabled roof • The property directly to the west has a gabled roof with dormer • The property directly to the east has a gabled roof with dormers • Visual inspection of other properties in the immediate vicinity show all building with gabled, shed type and/or dormered roof structures none with flat roofs <p>3. The proposed property would cover a much great percentage of its lot area than any adjoining property and thus would be and look</p>		

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	<p>out of place in comparison to the lot coverages of surrounding properties.</p> <ul style="list-style-type: none"> The proposed property has a building setback which is 10 inches back from the minimum setback to the north, 5 feet back from the minimum setback to the south and 5 feet back from the minimum setback to the east. So, the building is designed with 3 of its 4 sides essentially maximizing to the fullest intent the lot coverage of the property on those 3 sides. Reasonable visual inspection of the adjoining properties and other properties in close proximity shows that all properties are either open spaces lots (village green and vacant lot to the northwest), or have building of that are relatively small buildings in size (2,000 sf – 5,000 sf) whose building envelopes are not likely greater than 2,000 sf and which sit comfortably upon their lots to the eye, and none of which maximize the set back restrictions on 3 sides of their lots. <p>In the minutes of the 9/6/2023 Planning Commission meeting, the Planning Commission requested additional communication from the applicants containing their rationale for the proposed development being harmonious with the character of adjoining properties – this has not been received.</p>		
<p>Article 16 Section 16.01 GENERAL STANDARDS APPLICABLE TO ALL SPECIAL LAND USES</p>	<p>The Planning Commission finds that the proposed development is not consistent with the objectives, intent and purposes of the Zoning Ordinance because of its mass and character, and lack of suitability for the area in which it is proposed. More specifically, this is due to the over-all size of the project, the specific roof design of the project, and the use of setbacks in the design, all as previously set forth in detail in</p>	<p>Not Met</p>	<p>Affirmed. Applicant did not meet the standard for the reasons stated in 6.05.A above.</p>

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	<p>project, and the use of setbacks in the design, all as previously set forth in detail in Section 6.05.A above.</p> <p>The Planning Commission finds that the density and mass of the proposed project is not in harmony with the density and character of the surrounding area.</p> <p>See discussion in Article 6.05.A As of the 12/6/2023 Planning Commission meeting, the Planning Commission has determined that one sections of Article 6 has not been “met”</p>	<p>Not Met</p> <p>All conditions set by regulatory agencies, including, but not limited to, the Leland Township Sewer Administration, the Leland Fire Chief, the Leelanau County Road Commission, and the Michigan Department of Transportation, shall be met prior to the issuance of land use permits. All conditions set by regulatory agencies shall be maintained for the life of the project, unless otherwise approved by the Zoning Administrator or Planning Commission.</p> <p>Not met</p>	
<p>17.01.E</p>	<p>The Planning Commission discussed the “site-determined” open space requirements for C-1 Zoning District. There is no open space proposed in the project design. The applicant has requested a waiver for open space requirements.</p> <p>The Planning Commission determined to deny the waiver for open space requirements as the second requirement for a waiver, that “The spirit and intent of the open space development provisions will still be achieved” was not met, because the plan as submitted provides no open space. The Planning Commission determined that the first requirement for granting a waiver was not applicable and the third requirement was met.</p> <p>The Planning Commission determined that the Zoning Ordinance states that open space “shall not include required yard setback areas, roads,</p>	<p>Not Met</p>	<p>Affirmed. Applicant did not meet the standard. The PC decision, based on the essentially complete lack of any open space, was reasonable. The ZBA also discussed the amount of open space on adjoining properties which is significant as is evidenced by the photos, PC findings, and the ZBA’s local knowledge of the area.</p>

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	<p>parking spaces, [or] public rights-of-way”. The Planning Commission determined that the Zoning ordinance states that planned unit developments “shall include dedicated open space”, and that the amount of that open space in the C-1 district “shall be site-determined, based on environmental features, lot size and neighborhood character”. The Planning Commission determined that the Zoning Ordinance standard is not met, as there is no dedicated open space proposed in the design of the project, and the lack of dedicated open space is not in harmony with the neighborhood character.</p>		