

TAWAS CITY INTERNAL REVIEW PROCESS

for Planning and Development Projects

INTRODUCTION

The City of Tawas City has developed this Internal Review Process for Planning and Development Projects that contains the internal steps when applications for planning and development projects are submitted. This plan contains the following:

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Third Party Consultants

The City of Tawas City may retain a third-party consultant to provide zoning review who will adhere to the provisions of the Internal Review Process as applicable.

FIRST STEPS FOR ALL APPLICATIONS

The following steps will be followed for all applications for planning or developed projects in the City of Tawas City.

1. Items required from applicant:

- Completed application which can be picked up at City Hall or found online on the City's website at <https://tawascity.org/community/zoning-a-planning-documents/>
- Email address, if possible
- Site plan if required
- Payment based on the fee schedule found on the Planning and Zoning page on our website at <https://tawascity.org/community/zoning-a-planning-documents/>
- Look up parcel number if necessary

Were all the application materials submitted?

- a. If no, notify the applicant of the application deficiencies and hold any further action until all the materials are received.
- b. If yes, continue to Step 2.

2. Processing the application fee: (Office staff only)

Enter the application and fee information on the City's Permit List and assign the next available number.

3. Document distribution:

- a. Digital Copy – Save digital documents or scan hard copies and save to Utility Data (\\Server-TC)/Address Information 2 26 2019/.
- b. Hard Copy – Print digital document (if applicable) and create a manila folder for the application. Write the application address at the top and put the folder into the correct file cabinet.
- c. Original Documents – Distribute original documents to the Zoning Administrator.

ZONING PERMIT APPLICATIONS

(any development that doesn't require site plan review)

f

1. Complete steps 1-3 in [First Steps for all Applications](#).
2. **Approval of Permit** – The Zoning Administrator will review and, within 15 calendar days of the receipt of a complete application, will either approve, approve with conditions, or deny the application.
3. **Permit Denied** – If the Zoning Administrator denies the permit, the applicant will receive the reasons for denial in writing along with information on the appeal process. If an applicant wishes to appeal the denial:
 - a. Application for variance or appeal is submitted to the Zoning Administrator or City Hall staff.
 - b. Process the application fee and enter the application and fee information on the City's Permit List and assign the next available number.
 - c. File appeal with Zoning Administrator if it was not originally done so.
 - d. Zoning Administrator shall transmit, together with all plans, specifications, and other papers pertaining to the application or appeal to the City's planning consultant for review.
 - e. After paperwork has been filed, the ZBA shall fix a reasonable time for the hearing of the appeal. Any interested party is encouraged to attend.
 - f. For variance or appeal involving a specific parcel of land, the City Clerk shall mail notice of the hearing, 15 days prior to the hearing, to the applicant and to all occupants and/or owners of real property within 300 feet of the premises in question, including property outside the city limits.
 - g. For all hearings, a notice shall be published in the Iosco County News-Herald at least 15 days prior to the hearing. Notice shall include the nature of the request, applicant's name, plan (if applicable), and location.
 - h. The Zoning Board of Appeals shall decide all applications within a reasonable timeframe. A copy of the board's decision shall be transmitted to the applicant and to the Zoning Administrator.

SPECIAL USE PERMITS, SITE PLAN REVIEW, PLATS, & REZONING

Complete the following steps for each board as needed – ZBA, Planning Commission, City Council, etc.

Pre-Application Received

If requested, schedule a pre-application meeting with the Zoning Administrator and other staff as appropriate. The pre-application meeting is not required but is a chance for the applicant to ask any questions about the project and find out what information is required with the site plan. Actual site plan documents are not required at this meeting but may be helpful if they are completed.

Completed Application Received

Following a pre-application meeting, a completed application and site plan are submitted to the Zoning Administrator at least twenty-one (21) days prior to the next Planning Commission meeting. If plans are dropped off to City Hall, submit the plans to the Zoning Administrator to review and check for any missing documentation.

1. Complete Steps 1-3 in [First Steps for All Applications](#).
2. The Zoning Administrator will submit the plans to the City's consultant as well as the Fire Chief, Police Chief, DPW Director, and others as appropriate for their review and comments.
3. Schedule a meeting with the Planning Commission. The Planning Commission now has the responsibility to approve, approve with conditions, or deny an application. Any conditions or changes stipulated by the Planning Commission shall be recorded in the minutes and a copy of conditions or changes shall be given to the applicant and Zoning Administrator.
4. Publish information regarding public hearing. Send an email to the Iosco County News-Herald at <mailto:advertising@iosconews.com> with the following message and attach a Word copy of the notice:

SUBJECT: Notice of Public Hearing
Date: {Date Sent}

Please publish the attached notice of public hearing in the {date you want it published} edition of the Iosco County News-Herald.

{Include information about the nature of the request, the applicant's name, plan (if applicable), and location.}

Neighbors within 300' of the project must be notified via mail within fifteen (15) days of the meeting with the nature of the request, applicant, plan, public hearing meeting information.

5. Meeting packets are prepared by the City Clerk or Deputy Clerk containing a copy of the application, a copy of the site plan (if required), a copy of any building plans

or elevations, and a copy of any comments received regarding the application.

Packets are distributed to the Planning Commission at least five (5) days prior to the scheduled meeting. Electronic copies will be used when possible and emailed.

6. After consideration of the application by the Planning Commission at the public hearing, a decision is made regarding approval based on standards found in Section 6.02 of the City of Tawas City's Zoning Ordinance. Within five (5) business days of the Planning Commission decision, the City Clerk or Deputy Clerk will mail a letter to the applicant and Zoning Administrator outlining the decision.
 - a. Approved as submitted without any conditions.
 - b. Approved subject to conditions. If a site plan is approved with conditions, the conditions must be listed in and/or attached to the letter.
 - c. Denied. The Planning Commission, ZBA, or staff has denied the application. Reasons for denial are outlined in the letter along with information about appeal of that decision.

All letters are distributed in the following ways:

- Electronic copy saved to the property's address file.
- Hard copy gets filed in address drawers at City Hall.
- Electronic or hard copy gets sent via email or mail to the applicant

APPENDIX A: FEE SCHEDULE

PLANNING/ZONING	FEES
*Site Plan Review Fee (per review)	\$180.00, plus \$100 deposit for publication/ mailing fees, plus \$320 deposit for professional fees, etc.
*Simple Fee	\$50.00
*Planning Commission Meeting – Special	\$50.00 plus application fee
*Zoning Board of Appeals Meeting	\$180.00, plus \$100 deposit for publication/ mailing fees, plus \$320 deposit for professional fees, etc.
*Planning Commission Public Hearing	\$180.00, plus \$100 deposit for publication/ mailing fees, plus \$320 deposit for professional fees, etc.
*Rehearing by Planning Commission or ZBA (Section 9.10)	\$180.00, plus \$100 deposit for publication/ mailing fees, plus \$320 deposit for professional fees, etc.
*Special Land Use Application	\$180.00, plus \$100 deposit for publication/ mailing fees, plus \$320 deposit for professional fees, etc.
*Plan Changes Approved by Zoning Administrator	\$50.00
*Zoning District Change Fee	\$180.00, plus \$100 deposit for publication/ mailing fees, plus \$320 deposit for professional fees, etc.
*Ordinance Amendment Request	\$180.00, plus \$100 deposit for publication/ mailing fees, plus \$320 deposit for professional fees, etc.
*Performance Bond	determined on a case-by-case basis
*PUD Escrow	\$1,500.00
Division of Un-Platted Land Request	\$25.00
Lot Split Request (Platted Land)	\$10.00
Lot Combination Request	\$10.00
*Zoning Verification Letter	\$50.00
Marihuana Facilities Annual Permit Fee	\$5,000.00

PLANNING/ZONING PERMITS	FEES
*Residential New Home	\$30.00
*Additions/Garages	\$30.00
*Decks/Fences/Sheds	\$20.00
*Demolition	\$20.00
*Home Occupation not requiring PC review	\$25.00
*Occupancy	\$25.00
*Sign	\$25.00
*Temporary Sign	\$15.00
*Short-term Rental Application (Section 7.39)	\$300.00

PEDDLER/TRANSIENT MERCHANT LICENSE	FEES
*Application Fee	\$25.00
*Daily License	\$10.00 per salesperson per day
*Weekly License	\$35.00 per salesperson per week
*Yearly License	\$150.00 per salesperson per year

APPENDIX B: PUBLIC HEARING NOTICE EXAMPLE

PUBLIC NOTICE VARIANCE REQUEST

The Tawas City Zoning Board of Appeals will meet Thursday, April 22, 2021, 4:00 p.m. at the Tawas City Hall located at 550 W. Lake Street to hear a variance request from Melissa Carlson (Dollar General) to reduce the number of required parking spaces from 45 to 30 spaces at 910 West Lake Street (US-23). The Property is zoned B-3 General Business District, described as parcel number 132-120-007-009-00. The legal descriptions are available at Tawas City Hall. Comments concerning the variance request may be made in person or in writing by April 22, 2021 at 2:00 pm to the Tawas City Zoning Board of Appeals, 550 West Lake Street, PO Box 568, Tawas City, MI 48764 or emailed to the City Deputy Clerk at njakobi@tawascity.org.

Nicole Jakobi, CPFIM, MiCPT
Deputy Clerk/Treasurer

APPENDIX C: INTERESTED PARTIES LETTER EXAMPLE

Making A 300' Buffer Letter

1. Go to fetchGIS website
2. Get into GIS (Click the map)
3. Search your necessary address
4. Click Map Tools in the upper right
5. Click Buffer, make sure it is 300 ft, click select and choose your parcel, and hit run
6. Save CSV

Labels

1. Open up Word
2. Select Mailings and Mail Merge
3. Choose label and follow the steps using your saved CSV address file You will likely need to set you First Name, Last Name, and Address on step 4
4. Copy and paste the “address” label into each cell on the page
5. Get labels from the file server room and put them into the proper tray
6. When printing, make sure that you select the tray of choice

Example of Letter

To: Property Owner/Occupant
From: The City of Tawas City
Date: March 20, 2021
Re: Proposed Variance Request of Property within 300 feet

The City of Tawas City Zoning Board of Appeals will meet Thursday, April 22, 2021, 4:00 p.m. at the Tawas City Hall located at 550 W. Lake Street to hear a variance request.

You have been sent this notice because you are a property owner within 300 feet of the property under consideration for the below appeal:

A public hearing will take place to entertain a variance request from Melissa Carlson (Dollar General) to reduce the number of required parking spaces from 45 to 30 spaces at 910 West Lake Street (US-23).

The Property is zoned B-3 General Business District, described as parcel number 132-120-007-009-00.

The legal descriptions are available at Tawas City Hall.

Comments concerning the variance request may be made in person or in writing by April 22, 2021 at 2:00 pm to the Tawas City Zoning Board of Appeals, 550 West Lake Street, PO Box 568, Tawas City, MI 48764 or emailed to the City Deputy Clerk at njakobi@tawascity.org.

Please contact me if you have any questions or concerns.

Sincerely,

Nicole Jakobi, CPFIM, MiCPT
Deputy Clerk/Treasurer

APPENDIX D: APPLICANT ACKNOWLEDGEMENT LETTER EXAMPLE

To: Property Owner
From: The City of Tawas City
Date: March 20, 2021
Re: Proposed Variance Request of Property

The City of Tawas City Zoning Board of Appeals will meet Thursday, April 22, 2021, 4:00 p.m. at the Tawas City Hall located at 550 W. Lake Street to hear your variance request.

A public hearing will take place to entertain the variance request to reduce the number of required parking spaces from 45 to 30 spaces at 910 West Lake Street (US-23). The Property is zoned B-3 General Business District, described as parcel number 132-120-007-009-00.

The legal descriptions are available at Tawas City Hall.

It is advisable that either you and/or your representative be present at the meeting to answer any questions that may be raised.

Please contact me if you have any questions or concerns.

Sincerely,

Nicole Jakobi, CPFIM, MiCPT
Deputy Clerk/Treasurer

APPENDIX E: APPLICANT DECISION LETTER EXAMPLE

April 24, 2021

Melissa Carlson
910 West Lake Street
Tawas City, MI 48763

RE: Proposed Variance Request of Property

At their meeting of April 22, 2021, the Zoning Board of Appeals approved your variance request. Enclosed please find a copy of the minutes from that meeting.

If you have any questions, comments, or concerns regarding this decision, please do not hesitate to call me at (989) 362-8688.

Sincerely,

Nicole Jakobi, CPFIM, MiCPT
Deputy Clerk/Treasurer

APPENDIX F: MEETING AGENDA EXAMPLE

Tawas City Zoning Board of Appeals

AGENDA

Thursday – April 22, 2021

4:00 p.m.

Tawas City Hall

550 W. Lake Street 989.362.8688

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MARCH 30, 2021 MINUTES
4. PUBLIC HEARING – Variance Request for the Following:
 - a. Melissa Carlson (Dollar General) 910 West lake Street, to reduce the number of required parking spaces
5. NEW BUSINESS
 - a. 910 West Lake Street – to reduce the number of required parking spaces from 45 to 30 spaces.
6. PUBLIC COMMENT
7. ADJOURNMENT

APPENDIX G: REPORT TO ZONING BOARD OF APPEALS EXAMPLE

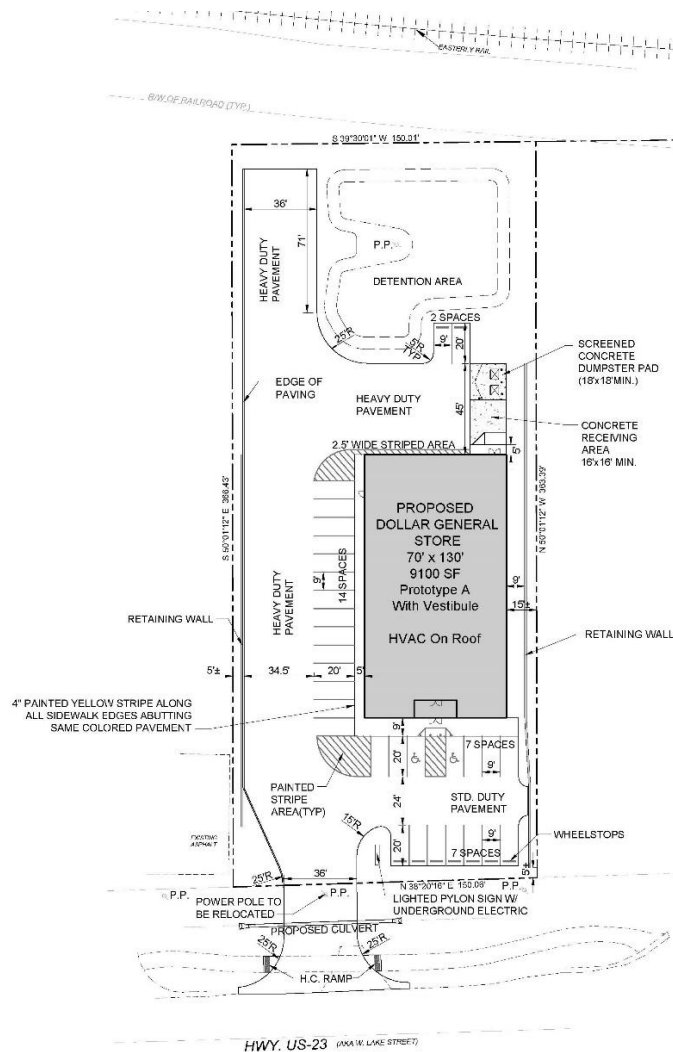
Report to the Zoning Board of Appeals
March 15, 2021

Request: Melissa A Carlson (Dollar General)

Property Address: 910 W Lake St, Tawas

City, MI Zoning District: B-3

Approved Site Plan: The Dollar General site plan was approved on 2/2/21 by the Planning Commission. However, the parking lot portion of the site plan was excluded from approval. Section 20.02 C-21 of the Zoning Ordinance requires parking to be one space per 160 square feet of usable floor area. The site plan indicates that the sales area will be 7,220 square feet. $7,220 \text{ square feet} \div 160 = 45$ parking spaces. The site plan shows only 30 parking spaces.



Requested Variance: The applicant is requesting a variance to reduce the required number of parking spaces from 45 spaces to 30 spaces. The reason given by the applicant is that the proposed number of parking spaces (30) has been empirically found by Dollar General to provide sufficient customer parking at any given time during store operations. The applicant provided site plans of recently completed Dollar General stores and each has been determined to have sufficient parking available for the size of building and use.

ZBA Authority to Grant a Parking Variance. Article 20 (Off-Street Parking and Loading Requirements), Section 20.06 (Variances and Exceptions) states the following: “The Zoning Board of Appeals shall have authority to interpret this section and may in specific cases and after public hearing and where justified grant variances to the requirements of this article 20.” This statement specifically grants the ZBA the authority to grant a variance from the parking requirements, but it does not specify if it is granting this ability outside of the practical difficulty standards that the ZBA is required to judge variances by (although the fact that this specific authority is called out in this section does seem to imply that). Section 27.02 (in Article 27 – Zoning Board of Appeals) also states that the ZBA has authority to grant a variance to any non-use related standard in the ordinance. However, practical difficulty standards do apply in this case. The ZBA has granted parking space variances in the past, however, this reviewer does not know the circumstances under which those variances were granted (i.e. the reasons for granting them and whether they were held to the standards of practical difficulty). The ZBA should determine whether or not the practical difficulty standards apply to parking space variances.

Decision and Order: The ZBA has been provided a decision and order form which the ZBA can use to document findings of fact to determine if variance standards have been met. The decision and order form contains draft findings which the ZBA should review and either keep or eliminate. For each standard, if the ZBA agrees with the draft findings, they should mark that the standard has been met. If all standards have been met, the variance should be granted. If the ZBA determines that practical difficulty standards do not apply to parking space variances, then it should be noted as such in the decision and order form.

Motion Options:

1. Motion to grant the requested variance for 910 W Lake Street for a reduction of the required parking spaces from 45 to 30 spaces based on the findings of fact contained in the Decision and Order.
2. Motion to grant the requested variance for 910 W Lake Street for a reduction of the required parking spaces from 45 to 30 spaces based on the findings of fact contained in the Decision and Order with the following conditions: *List conditions*
3. Motion to deny the requested variance for 910 W Lake Street for a reduction of the required parking spaces from 45 to 30 spaces based on the findings of fact contained in the Decision and Order.

GENERAL FINDINGS OF FACT

1. The Board finds that the property is currently zoned RF (Riverfront District) under the zoning ordinance.

Yes **No**
2. The Board finds that the property's rear line abuts the Tawas River.

Yes **No**
3. The Board finds that the front property line abuts the US-23 right-of-way.

Yes **No**
4. The Board finds that Section 15A.03.A.1.e.3 of the Zoning Ordinance provides that parking lots shall be setback from the right-of-way at least 10 feet.

Yes **No**
5. The Board finds that Section 15A.03.A.1.e.3 of the zoning ordinance provides that parking lots shall have screening along the right-of-way.

Yes **No**
6. The Board finds that the Applicant desires a 10-foot variance to establish the parking lot abutting the right-of-way with a zero foot setback.

Yes **No**
7. The Board finds that the Applicant desires a wavier of the screening requirements.

Yes **No**
8. The Riverfront District is a small district, so it is necessary to look at nearby districts to evaluate the standards in Section 27.04 pertaining to the effect on nearby properties.

Yes **No**

FINDINGS OF FACT UNDER SECTION 27.04 OF THE ZONING ORDINANCE

The Board makes the following findings of fact as required by Section 27.04 of the zoning ordinance for each of the following standards listed in that section:

A. The applicant must show practical difficulty by demonstrating all of the following:

1. **That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.**
 - a. A restaurant is a permitted use in the Riverfront District.
 - b. The applicant converted the Boneyard BBQ from a carry-out to a sit-down restaurant and expanded the footprint.
 - c. Additional parking is required for this expansion.
 - d. The applicant has provided documentation from a licensed Engineer that the Tawas River makes it difficult to site a parking lot on the property which complies with the ten foot setback due to the possible damage or collapse of the existing seawall along the river due to soil compaction.
 - e. The applicant has provided sufficient explanation why it is unnecessarily burdensome to replace the seawall and move the parking lot.
 - f. If the parking lot is constructed with a zero foot setback, there is no space to place the required screening.

This standard has been met: X_Yes
 No

2. **That a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation would give substantial relief and be more consistent with justice to others.**

- a. Granting the variance would do substantial justice to the applicant by allowing the expansion of a permitted use on a lot with an unusual shape.
- b. Granting a lesser variance might result in the aforementioned collapse of the existing seawall causing property damage and preventing the applicant from using the property as intended.
- c. Some properties in the district do have parking lots with zero foot setbacks, so granting the variance would be consistent with existing properties.

This standard has been met: X_Yes
 No

3. **That the plight of the property owner is due to unique circumstances of the property.**

- a. The property is unique in that it is a wedge-shaped property bounded by the Tawas River on the rear. The property is on a narrower section of land between the river and US 23 than the immediate properties to the southwest. The dimensions of the property make it difficult to meet all ordinance standards.

This standard has been met: X_Yes
 No

4. **That the problem is not self-created.**

- a. The problem exists because of the shape and dimensions of the property and the fragile nature of the riverbank, none of which was created by the applicant.
- b. The problem exists because the seawall which was constructed to stabilize the riverbank is of substandard construction making it difficult to site the parking lot at the approved location, which is a self-created problem.

This standard has been met:
 X_Yes No

B. Plans and documentation as follows should be submitted:

1. **The location and size of the use.**

- a. This documentation has been submitted.

This standard has been met: X_Yes
 No

2. **The nature and intensity of the operations involved in or conducted in connection with it.**

- a. Documentation on the nature and intensity of the operations involved were part of the original site plan submittal.
- b. The Riverfront District is a mixed use district and commercial uses such as restaurants are intended to be permitted.

This standard has been met: No X_Yes

3. **Its size, layout and its relation to pedestrian and vehicular traffic to and from the use.**
- a. Documentation has been submitted.
 - b. The parking lot with a zero setback and waived screening will not affect vehicular traffic – the ingress/egress points are consistent with the approved site plan.
 - c. The parking lot with a zero setback and waived screening will not affect pedestrian traffic due to the lack of sidewalks in the area.

This standard has been met: No X_Yes

4. **The assembly of persons in connection with it will not be hazardous to the neighborhood or be incongruous therewith or conflict with normal traffic of the neighborhood. Taking into account, among other things, convenient routes of pedestrian traffic, particularly of children.**
- a. The parking lot will not affect normal traffic of the neighborhood. US-23 is a high traffic area and the restaurant will produce similar traffic as is already existing.
 - b. There is minimal pedestrian traffic due to the lack of sidewalks.

This standard has been met: No X_Yes

5. **Vehicular turning movements in relation to routes of traffic flow, relation to street intersections, site distance and the general character and intensity of development of the neighborhood.**
- a. The parking lot will not affect vehicle turning movements – the ingress/egress points are consistent with the approved site plan.
 - b. There are no nearby intersections.
 - c. The use is consistent with the general character and intensity of development of the neighborhood – the neighborhood contains a variety of mixed uses.

This standard has been met: No X_Yes

6. **The location and height of buildings, the locations, nature and height of walls, fences and the nature and extent of landscaping of the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.**
- a. There is no possible development area on the property to the northeast.
 - b. The property to the southwest is already developed and the parking lot location will not hinder any redevelopment on that property. A landscape screen already exists between the parking lot and the adjacent property.

This standard has been met: No X_Yes

7. **The nature, location, size, and site layout of the use shall be such that it will be a harmonious part of the district in which it is situated, taking into account, among other things, prevailing shopping habits, convenience of access by**

prospective patrons, the physical and economic relationship of one type of use to another and related characteristics.

- a. The use is consistent with other uses and the intended use of properties in the district.
- b. The use will be complimentary to other non-residential uses in the surrounding area.

This standard has been met: X Yes
 No

8. **The location, size, intensity and site layout of the use shall be such that its operations will not be objectionable to nearby dwellings by reason of noise, fumes or flash of lights to a greater degree than is normal with respect to the proximity of commercial to residential uses, nor interfere with an adequate supply of light and air, nor increase the danger of fire or otherwise endanger the public safety.**

- a. There will be no additional noise, fumes, or flashes of light as a result of the parking lot location being adjacent to the right-of-way rather than set back ten feet.
- b. The lack of landscaping between the right-of-way and the parking lot will not affect neighboring property. Vegetation already exists between the parking lot and the adjacent property.
- c. The parking lot location will not increase danger of fire or endanger public safety.

This standard has been met: X Yes
 No

DECISION

Coon moved, Willis seconded, CARRIED to grant the requested variance for 646 West Lake Street for a zero foot front setback for the parking lot and to waive the requirement for screening. Yes: Coon, Leet, Willis and Doak.

CONDITIONS

Applicant shall submit documentation from MDOT showing approval to construct the parking lot within the right-of-way.

TIME PERIOD FOR JUDICIAL REVIEW

MCL 125.3606 provides that a person having an interest affected by the zoning ordinance may appeal a decision of the Zoning Board of Appeals to the Circuit Court. Any appeal must be filed within twenty-one (21) days after this Decision and Order is adopted by the Zoning Board of Appeals.

DATE DECISION AND ORDER ADOPTED

March 23, 2021

Chairperson