



**Zoning Board of Appeals**  
Public Hearing  
Tuesday, March 10, 2026, at 6:00 p.m.

**City Hall Commission Chambers**  
301 Washington Avenue

**PLEASE ENTER CITY HALL VIA SAGINAW STREET (REAR) ENTRANCE. DOOR WILL OPEN AT 5:30 P.M.**

**AGENDA**

1. Call to Order
2. Introduction & Roll Call
3. Approval of Minutes of December 18, 2025
4. Public Comment - Non-Agenda Items
5. New Business:

**1. Case Z 26-01 – 501 Columbus Avenue – Bay City Housing Commission**

The appellant is requesting a non-use variance from Section 122-383 of the Bay City Zoning Ordinance. Section 122-383 establishes off-street parking requirements for residential use as follows:

- 1.5 spaces per one-bedroom unit
- 2 spaces per two-bedroom or larger unit

The variance request applies only to the portion of the development located in the O-1 zoning district, which will contain 60 dwelling units. Based on the proposed unit mix (20 one-bedroom, 25 two-bedroom, and 15 three-bedroom units), the ordinance requires 110 parking spaces. The appellant is proposing 63 parking spaces on the O-1 Office parcel and is seeking relief from the minimum parking requirements for that parcel.

6. Communications
7. Other Business
8. Adjourn



**Zoning Board of Appeals Meeting Minutes  
City Chambers, City Hall**

**CALL TO ORDER**

Acting Chair Jan Rise called the meeting to order at 7:00 p.m.

**INTRODUCTIONS & ROLL CALL**

Present: Jan Rise, Douglas Rise, Larry Elliott, Paul Kleinau and Chris Greenleaf.

Absent: None.

Others: Adam Pruett, Community Development Planner and Sue Coggin, Code Enforcement Coordinator.

**PUBLIC COMMENT - NON-AGENDA ITEMS**

None.

**APPROVAL OF MINUTES**

The minutes were reviewed by the ZBA members. L. Elliott stated that he would be abstaining from voting on the minutes as he was absent from this meeting. Motion by C. Greenleaf, supported by D. Rise, to approve the minutes as presented. Vote: 4 Yeas, 0 Nays, 1 Abstain.

**NEW BUSINESS**

**A. Case Z 25-08 – 900 6th Street, Zeke Carlyon**

The appellant is requesting a use variance from Section 122-102 that would, if granted, authorize the establishment of a microbrewery and restaurant within an existing church building. Seating capacity is anticipated to be 125 people. The property is zoned R-2, Single and Two-Family Residential as most church uses are in Bay City. A microbrewery and restaurant are not permitted uses in the R-2 Single and Two-Family Residential zoning districts. The appellant must obtain a use variance from R-2, Single and Two-Family zoning district regulations to establish a microbrewery and restaurant.

Representative(s) Present: Zeke Carlyon and Stephanie Carlyon

Mr. Carlyon stated that they chose this location due to the residential nature, the available parking and the idea of repurposing one of the many existing churches located in Bay City. He further stated that while the building can occupy 125 people, it is their belief that it would be a rare occasion when the building will be at capacity.

J. Rise questioned whether entertainment would be a full-time option within this establishment. Mr. Carlyon stated that they would like to have some music from time to time, but it is not the primary use. Their goal is to have the restaurant/bar/microbrewery.

L. Elliott stated that the number of occupants appears to be in line with the previous use which was a church. He also feels that the 9 p.m. closing time during the weekdays and the 10 p.m. closing time on the weekends were compatible with the residential area.

P. Kleinau question if the City had a noise ordinance and if this would be an issue. S. Coggin stated that there is a noise ordinance, however, with their anticipated closing times, she did not feel that

this would be an issue with the existing ordinance. If there was a problem, the Public Safety Department could enforce this section of the ordinance.

J. Rise stated that she is still concerned with the parking for this establishment. She stated that while there is on-street parking available in the area, they are all on one side of the street only and this is already a congested area due to the multi-residential units in the vicinity. By her calculation, she believes at least 50/60 spaces would be required.

P. Kleinau stated that he respectively disagrees with the 50/60 required spaces and by his calculation, based on the staff report, would be approximately 30/31 spaces. He also believes that due to the residential nature of the area, there would probably be a lot of foot traffic.

J. Rise invited public comments.

PUBLIC COMMENT:

In-Person Comments:

**1. Mr. Heaslip, 613 N. Van Buren Street**

Mr. Heaslip stated that while he is in favor of repurposing the building, he is concerned with the parking situation, truck deliveries and the safety for the children in the neighborhood.

**2. Ms. Laura Kubit, 906 N. Jackson Street**

Ms. Kubit was present to speak in favor of this project. She stated that she is looking forward to having such a walkable establishment in the neighborhood.

No other correspondence or telephone calls were received regarding this proposed variance request.

Motion by C. Greenleaf and supported by Mr. L. Elliott to open the business portion of this proposed variance request. 5 Yes, 0 Nays

DISCUSSION & FINDING OF FACT:

C. Greenleaf feels that this is a very valuable reuse of this former church. He also believes in the popularity of microbreweries which will hopefully bring more out-of-town visitors to the Bay City Area.

P. Kleinau stated that he is a proponent of mixed uses and feels this is a good use to fill this vacant building. While he still has some concern for the truck traffic and parking, he is all for this project moving forward.

J. Rise stated that she is still very concerned with the parking. If this variance is approved, she would like to add a condition that would have the property owner seek out an agreement with a neighboring property for overflow parking when they are busy. C. Greenleaf feels that this parking situation is not unusual for the 1st ward district. He further stated that the chance of the establishment being 100% occupied probably small, therefore, would not be a detriment to the neighborhood.

A. Pruettt discussed the definition of usable floor area based on the Zoning Ordinance to give the members a more accurate look at the potential parking. L. Elliott stated that based on this

definition and calculated area, it appears 30 spaces would be required. He is concerned, however, that neighboring property owners may also use this parking area.

J. Rise stated that she is also concerned about noise and would like another condition added if approved, that the establishment must not operate past 11 p.m.

The ZBA discussed each standard as follows:

1. *The property subject to the request cannot be used for any of the uses permitted in the zoning district in which it is located.*

D. Rise felt that this standard had been met as this property could not be used for the zoned residential purpose.

2. *The need for the variance is due to circumstances unique to the property, such as its odd shape, extreme narrowness, topography, and other physical features or constraints.*

P. Kleinau stated yes, as church memberships are down and the building cannot be fulfilled with its current institutional use.

3. *Whether granting a use variance will alter the character of the surrounding area.*

It was agreed that this use would not alter the character of the surrounding area as the previous church attendance would be consistent with the proposed use.

4. *Whether the unnecessary hardship asserted by the requesting party as justification for granting a use variance is self-created by an action taken by the appellant or predecessor in title.*

J. Rise stated that it is not self-created.

**DECISION:**

Motion by D. Rise, supported by L. Elliott, to approve the proposed variance upon the following conditions:

1. Submit a proposed parking agreement with a neighboring property owner in order to accommodate overflow parking.
2. Property must not be open any later than 11 p.m.
3. Bicycle racks to be installed.

J. Rise called for a Roll Call vote: 5 Yeas, 0 Nays. Motion carried and variance was granted.

**OTHER BUSINESS**

1. J. Rise discussed the potential change in the starting time of the meetings. She stated that due to the number of meetings staff must attend, the 7 p.m. start time is inconvenient. Motion by L. Elliott, supported by D. Rise to change the meeting time to 6 p.m. effective January, 2026. 5 Yeas, 0 Nays. Motion carried.

2. J. Rise stated that due to the age of the current by-laws, she would like to look at establishing a committee to review and potentially update them. J. Rise and L. Elliott volunteered for this review and update.
3. A. Pruettt stated that staff would like to make a change regarding members potentially being absent. When a member of the ZBA feels that they will be absent for the next scheduled meeting, staff would like that recorded on record. The ZBA members agreed to this change. L. Elliott stated that if a meeting is held in January, 2026, he would be absent.
4. J. Rise mentioned educational opportunities coming up in the new year and have members reach out to staff if they would like to attend.

**ADJOURN**

Motion by D. Rise, supported by L. Elliott, to adjourn the meeting at 8:02 p.m. 5 Yeas, 0 Nays Motion carried.

*Prepared by Sue Coggin, Code Enforcement Coordinator*

DRAFT



**Zoning Board of Appeals Staff Report  
Case Z 26-01**

**Public Hearing Date – Tuesday, March 10, 2026**

**Appellant:** Bay City Housing Commission  
**Property Owner:** (Same)  
**Property Address:** 501 Columbus Avenue  
**Zoning District:** O-1, Office

**Description of Request**

The appellant is requesting a non-use variance from Sec. 122-383 for the number of parking spaces required for the Bay City Housing Commission’s residential project named Newmarket Commons.

The public notice prepared for this case best summarizes the need for the variance.

1. *The appellant is requesting a non-use variance from Section 122-383 of the Bay City Zoning Ordinance.*

*Section 122-383 establishes off-street parking requirements for residential uses as follows:*

- *1.5 spaces per one-bedroom unit*
- *2 spaces per two-bedroom or larger unit*

*The variance request applies only to the portion of the development located in the O-1 zoning district, which will contain 60 dwelling units. Based on the proposed unit mix (20 one-bedroom, 25 two-bedroom, and 15 three-bedroom units), the ordinance requires 110 parking spaces. The appellant is proposing 63 parking spaces on the O-1 parcel and is seeking relief from the minimum parking requirements for that parcel.*

**Sec. 122-383. Number of spaces required for various use.**

The amount of of required off-street parking for a particular use shall be determined in accordance with table 122-383. Where more than one standard is provided for a particular use, the standard that requires the greater number of parking or loading spaces shall be used.

Table 122-383 - Required parking spaces.

Use	Number of Parking Spaces Required
<b>Residential uses.</b>	
Single and two-family.	2 per dwelling unit.
Medium density <u>multiple-family</u> .	1 per efficiency unit. 1.5 per 1 bedroom unit. 2 per <u>2 or more bedroom unit</u> .
High-rise, <u>multiple-family</u> .	1.5 <u>per dwelling</u> unit. Multiple-family and attached single-family developments shall provide supplemental off-street parking equal to at least 20 percent of the spaces required for dwelling units.

## Summary

The appellant is requesting a non-use variance related to the number of parking spaces required based on the O-1, Office zoning district designation for half of the site. The development project will be bounded by 11<sup>th</sup> Street on the north, Columbus Avenue on the south, Madison Avenue on the east and Adams Street on the west. A right of way vacation for Jefferson Street between 11<sup>th</sup> and Columbus is being processed and all other right of ways and easements have been removed from the project site.

The zoning ordinance does not require off-street parking standards found in table 122-383 to be met for C-2-A zoning district designation. Therefore, from Jefferson Street to Adams Street the parking standards don't apply. The property from Jefferson Street to Madison is an O-1, Office zoning district and parking standards do apply. The variance request will focus on the O-1 Office zoning district.

The appellant describes the request as reducing the overall parking ratio to 1.0 per unit. The overall designed parking ratio is 1.08 per unit. Using a ratio is one way to describe the *unit to parking space* calculation and the attached "parking calc's" will be discussed at the meeting to provide some explanation based on other sites owned and operated by the Bay City Housing Commission. For the variance request an actual number of parking spaces is calculated based on dwelling unit type and that will be used in the findings. The public notice provides the parking space numbers needed and those proposed:

*Based on the proposed unit mix (20 one-bedroom, 25 two-bedroom, and 15 three-bedroom units), the ordinance requires 110 parking spaces. The appellant is proposing 63 parking spaces*

## Appellants' Evidence

The appellant has applied and statements (Narrative Description) speaking to the City's non-use variance standards listed at Section 122-544 of the City's zoning regulations. Information related to parking requirements was included in the site plans submitted to the Planning Commission for the February 25<sup>th</sup> meeting and included in the report.

The ZBA must find the appellant's evidence of need for the requested variance satisfies each of the standards listed at Section 122-544(d)(1) of the City's zoning regulations for the variance to be granted.

## Non-Use Variance Standards

A non-use variance is warranted when the physical characteristics and circumstances of property render compliance with a zoning regulation impractical to the point of being unreasonably burdensome for a property owner. The ZBA has discretionary authority to determine whether those conditions and circumstances satisfy or fail to satisfy the decision-making standards.

The characteristics and circumstances rendering compliance with a zoning regulation unnecessarily burdensome must:

- Be unique to the property subject to a request for a variance.
- Make the property dissimilar to other properties in the surrounding neighborhood.

- Unreasonably prevent a property owner from making a regulated improvement to their property in compliance with the regulation from which the variance is sought.

The non-use variance standards are listed below. The findings must reflect the board's consideration of appellants' need for the variance in the context of each of the standards. The board must find that all the standards have been satisfied by an appellant's evidence before a variance can be granted.

- a. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density, or other nonuse matters will unreasonably prevent the owner from using property for a permitted purpose or will render conformity with this chapter unnecessarily burdensome.
- b. The variance(s) will do substantial justice to the applicant, as well as to other property owners.
- c. A lesser variance than that requested will not give substantial relief to the applicant.
- d. The need for the variance is due to unique circumstances peculiar to the property (such as odd shape, extreme narrowness, etc.) and not due to general neighborhood conditions to other properties in the same zoning district.
- e. The problem and resulting need for the variance has not been self-created.

## **Decision**

The ZBA must:

- 1) grant the variance as requested;
- 2) grant the variance subject to conditions;
- 3) grant a lesser variance than requested;
- 4) deny the variance; or
- 5) postpone consideration of the request pending an appellant's provision of additional evidence deemed necessary to informed decision making.

### Motion to grant variance:

A brief motion is required to grant the variance as requested based on the findings in the previous section of this staff report.

- *Based on the foregoing findings, I move that the ZBA grant variance requested by the appellant.*

### Motion to deny variance:

A brief motion is required to deny the variance. The ZBA must make separate findings contrary to those in the previous section of this staff report to document the basis and rational for denial.

- *Based on the foregoing findings, I move that the ZBA deny the variance requested by the appellant.*

# ZONING BOARD OF APPEALS NARRATIVE DESCRIPTION

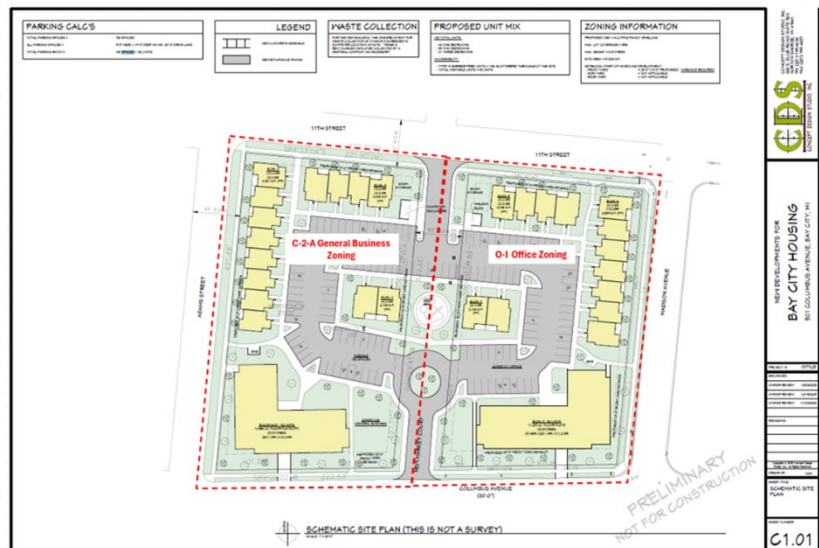
Planning & Zoning Department  
Bay City, Michigan

## Project: 501 Columbus Avenue

**Variance Requested: A variance for the O-1 Office District to reduce the overall parking ratio to 1.0 per unit. The overall designed parking ratio is 1.08 per unit.**

The property depicted in the attached Site Plan (C1-01) herein is to be developed as Affordable Housing. There are two primary zoning districts that encompass the consolidated parcels being developed.

A Special Use Permit was requested of the Planning and Zoning Board to allow for multifamily residential development in the C-2-A and O-1 Office districts. The C-2-A District has no limitation or minimum on parking ratios. However, the O-1 Office District has a minimum. The total development plan includes 120 residential units with 130 parking spaces per residential unit.



The site is located within the federally designated Opportunity Zone and has one the **highest “walkability” scores in Bay City** complimented by a **vibrant public transportation** system at the doorstep to all units along N. Madison Avenue and Columbus Avenue.

The development will be constructed in a single phase with all appropriate cross easement agreements between buildings to enable cross-parking, ingress and egress as needed by the tenants.

# PROPOSED UNIT MIX

## 120 TOTAL UNITS:

- 40 ONE BEDROOMS
- 59 TWO BEDROOMS
- 21 THREE BEDROOMS

## ACCESSIBILITY:

- TYPE 'A' BARRIER FREE UNITS = 10% SCATTERED THROUGHOUT THE SITE.
- TOTAL VISITABLE UNITS = 93 UNITS

# PARKING CALC'S

TOTAL PARKING SPACES = 130 SPACES

ALL PARKING SPACES = 9'-0" WIDE x 19'-0" DEEP  
W/ MIN. 24'-0" DRIVE LANE

TOTAL PARKING RATIO = 130 SPACES / 120 UNITS

## EXISTING FACILITY PARKING DATA PROVIDED BY BAY CITY HOUSING COMMISSION:

1/6/2026			
<b>Registered Vehicles</b>			
<b>High-rise Buildings (1 BR Units)</b>	<b># Units</b>	<b>Registered Cars</b>	<b>Cars/Unit</b>
Maplewood Manor	158	93	0.59
Smith Manor	141	54	0.38
Pine Towers	115	48	0.42
Maloney Manor	113	43	0.38
<b>Subtotal</b>	<b>527</b>	<b>238</b>	<b>0.45</b>
<b>Scattered Sites</b>			
1 Bedroom	20	17	0.85
2 Bedroom	47	34	0.72
3 Bedroom	67	63	0.94
<b>Subtotal</b>	<b>134</b>	<b>114</b>	<b>0.85</b>
<b>Total</b>	<b>661</b>	<b>352</b>	<b>0.53</b>

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### LEGEND



### WASTE COLLECTION

FOR THE NEW BUILDING, THE OWNERS INTENT FOR WASTE COLLECTION IS TO HAVE A SCREENED IN DUMPSTER LOCATION ON SITE. TRASH & RECYCLABLES WOULD BE COLLECTED BY A DISPOSAL COMPANY AS NECESSARY.

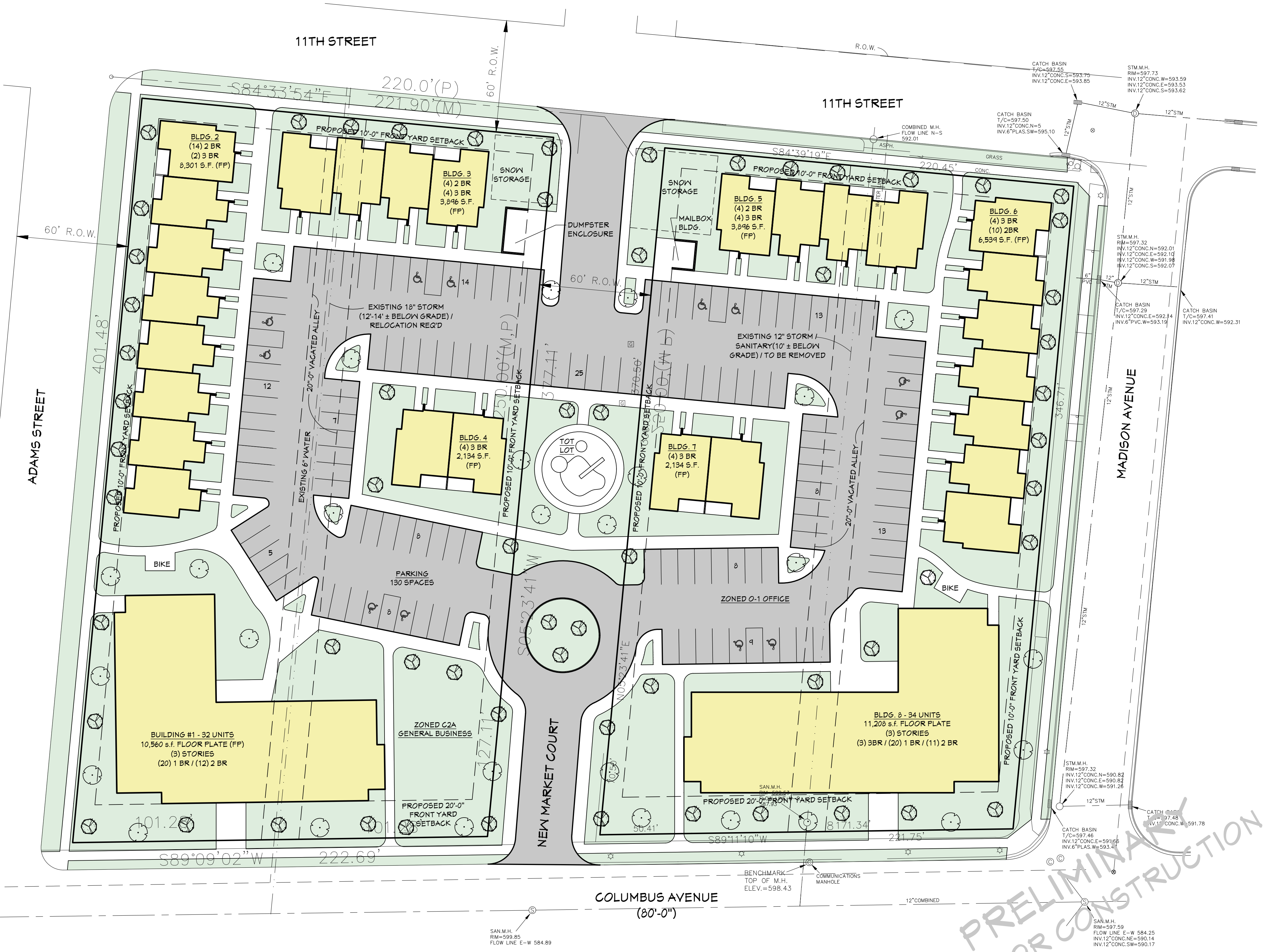
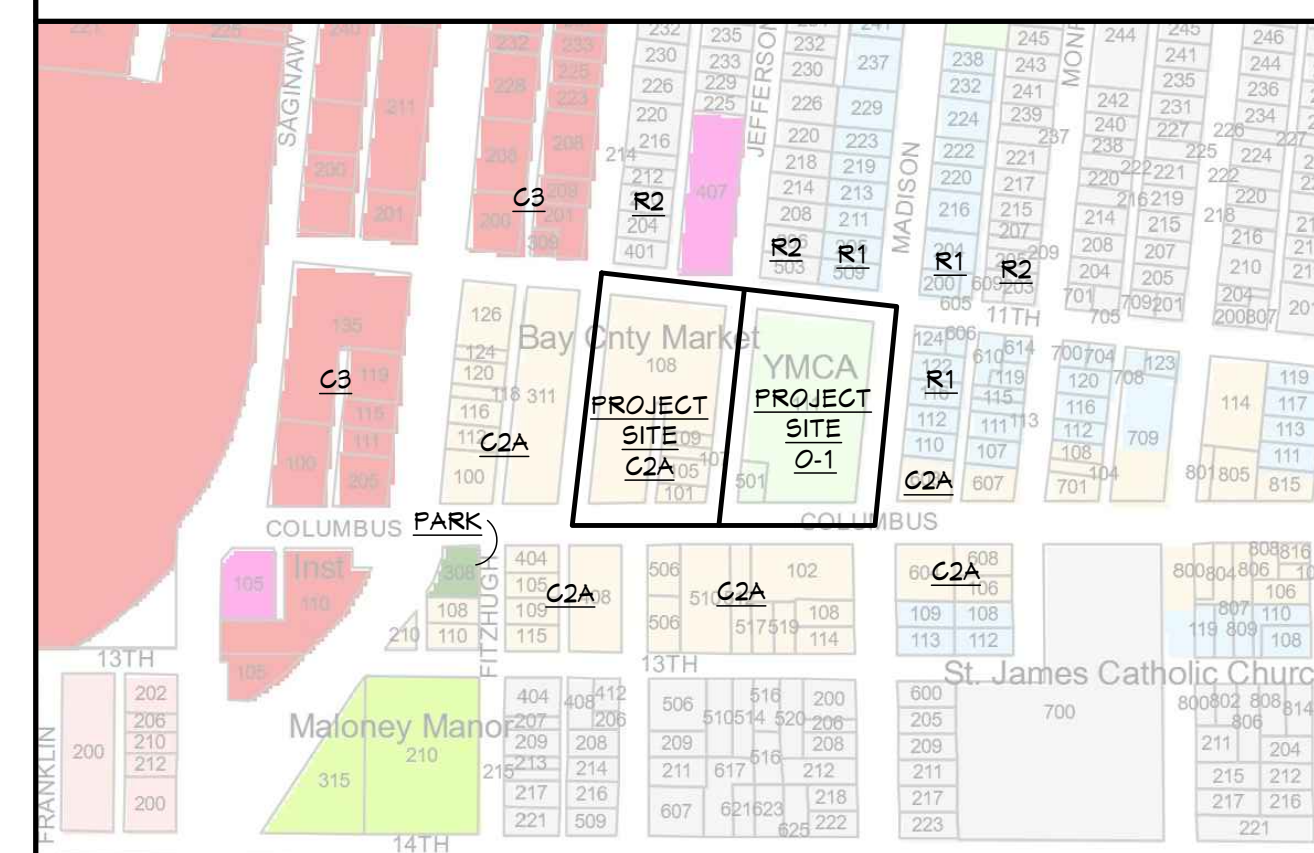
### PROPOSED UNIT MIX

- 120 TOTAL UNITS:
  - 40 ONE BEDROOMS
  - 54 TWO BEDROOMS
  - 21 THREE BEDROOMS
- ACCESSIBILITY:
- TYPE 'A' BARRIER FREE UNITS = 10% SCATTERED THROUGHOUT THE SITE.
  - TOTAL VISITABLE UNITS = 43 UNITS

### ZONING INFORMATION

PROPOSED USE = MULTIPLE FAMILY DWELLING (STACKED FLATS & MID-RISE)  
 MAX. LOT COVERAGE = 35%  
 MAX. HEIGHT = 3 STORIES  
 SITE AREA = EXISTING C2A PARCEL: 86,288 S.F. / EXIST. O-1 PARCEL: 74,055 S.F.  
 SETBACKS = FOR PROPOSED SETBACKS REFER TO SITE PLAN.

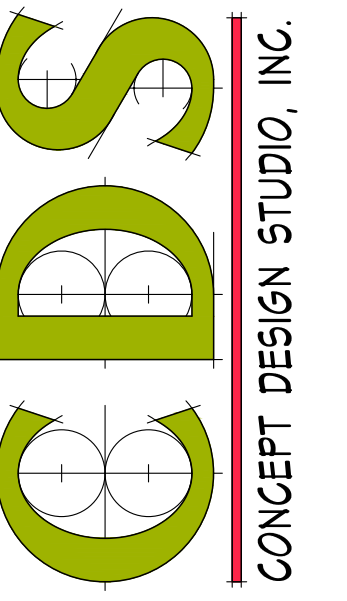
### AREA ZONING MAP



**SITE PLAN (THIS IS NOT A SURVEY)**

SCALE: 1" = 30'-0"

CONCEPT DESIGN STUDIO, INC.  
 800 E. ELLIS ROAD, SUITE 508  
 NORTON SHORES, MI 48441  
 PH. (231) 799-4838  
 FAX (231) 799-4837



NEW DEVELOPMENTS FOR  
**BAY CITY HOUSING**  
 501 COLUMBUS AVENUE, BAY CITY, MI

PROJECT # 1577-25

ISSUANCES

OWNER REVIEW 01/12/2026

REVISIONS

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DRAWN BY KDO

SHEET TITLE  
**SITE PLAN (THIS IS NOT A SURVEY)**

SHEET NUMBER

**C1.01**

PRELIMINARY  
 NOT FOR CONSTRUCTION

1/13/2026 3:42 PM U:\p\p\cbs\1577-25 Bay City Housing Commission\Drawings\CONCEPTS.dwg