

BOIS BLANC TOWNSHIP

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March 13, 2024

“BUILDABILITY” OF LOTS ON BOIS BLANC ISLAND”

Frequently, Bois Blanc Township (“Township”) officials are asked by someone considering buying a lot or parcel on Bois Blanc Island whether a specific lot or parcel is “buildable.” That is a question with many implications, some of which cannot be answered by Township officials.

Building a new house, accessory building, home addition, etc. on an otherwise vacant lot on the mainland in Michigan can have many pitfalls, but the additional challenges for building on an island are generally even greater. A prospective purchaser of a lot or parcel on Bois Blanc Island must exercise extreme caution and due diligence.

In most instances, all building materials will have to be transported to the Island via the vehicle ferry. In some cases, building items or materials (for example, large trusses) may be too large to be accommodated by the ferry.

The logistics of building construction on the Island can be challenging given the limitations of the vehicle ferry schedule, the essential shutdown of the Island from approximately December 1 through May 1 and other matters.

Whether a given lot or parcel is “buildable” (i.e. that is, can a cottage, house or dwelling be built and used on the lot or parcel) typically involves numerous issues, including the following:

1. Zoning regulations.

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The Bois Blanc Township Zoning Ordinance (“Zoning Ordinance”) governs all properties on Bois Blanc Island. New lots or parcels must meet various minimum lot sizes, road frontage, lot width and other dimensional requirements under the Zoning Ordinance. Lots or parcels what were created before the Zoning Ordinance went into effect might be lawfully nonconforming (i.e. “grandparented”) and may not have to comply with some of the current lot size requirements for the Zoning Ordinance, but must still meet other current requirements such as minimum setbacks. Even if a lot or parcel is lawful under the Zoning Ordinance, any new building must typically meet all of the following current zoning requirements:

- Minimum front, rear and side yard property line setbacks.
- Maximum height limits.
- Minimum dwelling size.
- Limitations on uses.

The Zoning Ordinance is approximately ___ pages long and contains many requirements, regulations and minimum standards that must be met for lots or parcels as well as new dwellings, building additions, accessory buildings/pole barns, allowed uses, etc.

In most instances, only the Township Zoning Administrator can formally interpret the Zoning Ordinance and ultimately determine whether all Zoning Ordinance requirements will be met for a newly-created lot or parcel, an existing lot or parcel, proposed new buildings, proposed uses, etc. And, typically, the Zoning Administrator will not issue hypothetical opinions regarding zoning matters before a property owner applies to the Township for a zoning permit for a specific

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use, completes the application, submits the required building or site plan and pays all applicable fees. Prior to any such application, it is up to the property owner to consult with their realtor or real estate broker, attorney or to carefully review the Zoning Ordinance themselves.

2. On site septic and well permits must be obtained from LMAS.

In most cases, a zoning permit or a building permit for a new or expanded cottage, cabin or dwelling will not be approved without the prior issuance of a well and septic permit from (“LMAS”). Some of the lots on the Island are so small that the local health department may not issue permits for an on-site sewage septic system. That could limit or even prevent “buildability” for a small lot or parcel.

3. Wetlands.

The State of Michigan, through the Michigan Department of Environment, Great Lakes and Energy (“EGLE”), determines whether an area constitutes protected wetlands, whether a wetlands can be altered and issues any wetlands alteration permits. Flood zones may also limit buildability. If a lot or parcel is located within a federally-designated flood zone or area and the landowner needs a mortgage to build, then flood insurance will have to be purchased and kept in effect during the term of the mortgage. And, in some cases, the annual flood plain insurance could be quite expensive.

4. Electric.

Whether or not electrical service can be extended to a lot or parcel is determined by Presque Isle Electric & Gas (“PIE&G”).

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5. Private roads and easements for access.

The Township is not responsible for opening, improving or snowplowing private roads or access easements for lots or parcels. It is up to the lot or parcel owner to make such arrangements privately. If the property in question is part of a platted subdivision that has not yet had the roads cut in, then a survey is required and the “access” road to the property in question needs to be put in the proper location.

6. Has the lot or parcel been filled, is it within a flood plain or are there other impediments to building?

The Township does not regulate such matters. The potential lot or parcel purchaser must do their own due diligence regarding such matters.

7. Illegal buildings, structures or uses on a parcel or lot.

If someone purchases a lot or parcel upon which there is an illegal building, structure or use, it is the responsibility of the new lot or parcel purchaser to correct such violations. The Township cannot possibly discover all violations on Bois Blanc Island of the Zoning Ordinance, the building codes or other matters.

8. Public roads.

Public roads on the Island are the responsibility of the Mackinac County Road Commission. The Township has no authority or legal obligation regarding public roads. Any “private drive” that opens onto a county road requires a permit from Mackinac County Road Commission prior to installation.

9. “Tiny houses” and sheds.

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Sheds are allowed on most properties on the Island, but may be subject to certain Zoning Ordinance requirements. However, no shed can be inhabited, lived in or have people sleep in it overnight. So-called “tiny houses” are not allowed within Bois Blanc Township, as they do not meet Zoning Ordinance min square foot requirements. In addition, very few tiny houses (if any) meet the Michigan Residential Building Code for roof strength, insulation and energy efficiency requirements and other code specifics.

* * *

It is the obligation of a prospective purchaser of a lot or parcel on Bois Blanc Island to determine “buildability” beforehand. When purchasing a lot or parcel on the Island, the slogan “BUYER BEWARE!” is clearly applicable. Just because a lot or parcel was approved to be created years ago or exists is no warranty or guarantee whatsoever that the property is buildable, usable or accessible. In fact, many lots and parcels on the Island are not usable (except perhaps for open space or hunting), buildable or accessible.