

**CITY OF GRAND LEDGE
ZONING BOARD OF APPEALS**

Minutes from Regular Meeting held on April 16, 2015

Call to Order

Chairman Ron Graber called the Zoning Board of Appeals meeting to order at 7:00 p.m.

Pledge of Allegiance

Ben Tobias led the members in the pledge of allegiance

Attendance

Members present: Ron Graber, Ben Tobias, Ben Cwayna, Ray Evert, Dave Whaley & Lynne MacDowell. Absent: Tim McClung, Tom Nelson & Carol Weigel. Also present: Zoning Administrator, Susan Stachowiak, City Administrator & Council Representative, Chris Bartholomew.

Approval of Agenda

Mr. Tobias made a motion, seconded by Mr. Cwayna to approve the agenda as printed. On a voice vote (6-0), the motion carried unanimously.

Approval of Minutes

Ms. MacDowell made a motion, seconded by Mr. Whaley to approve the minutes from the meeting held on December 18, 2014, as printed. On a voice vote (6-0), the motion carried unanimously.

Business from the Floor - None

NEW BUSINESS

Variance Request – Front & Rear Yard Setbacks – 950 W. Jefferson Street

Ms. Stachowiak stated that this is a request by Grand Ledge Comet Mini Storage, LLC for zoning variances to permit the construction of three new storage buildings at 918 W. Jefferson Street. The proposed buildings would have front yard setbacks of 20 feet and rear yard setbacks of 10 feet. Article XVI of the Zoning Ordinance requires a 30 foot front yard setback and a 20 foot rear yard setback for buildings on the subject property. Variances of 10 feet to the front yard setback requirement and 10 feet to the rear yard setback requirement are therefore, being requested.

Ms. Stachowiak stated that staff is recommending approval of the variance requests. She said that the proposed buildings will be directly in line with the other buildings that are currently located on the site. Ms. Stachowiak said that since the primary intent of setback regulations is to establish a uniform development pattern, the proposed variances will not be contrary to the intent of the Zoning

Zoning Board of Appeals Minutes

April 16, 2015

Page 2

Ordinance. Ms. Stachowiak said that said that the variances are unique to the property in question which is uncommonly shallow in comparison to most other sites in the City. She also said that the site is situated between W. Jefferson Street and the railroad tracks and therefore, the applicant cannot obtain any additional property to increase the depth of the site.

Mr. Graber opened the public hearing.

Ron Maguire, Grand Ledge Comet Mini Storage, LLC, 414 S. Clinton Street, spoke in support of his request. He stated that the new buildings will be in line with the existing buildings on the site. He also said that the shallow depth of the lot prevents reasonable construction on the lot without variances to the setback requirements.

Seeing no one else wishing to speak, Mr. Graber closed the public hearing.

Mr. Graber asked if the shed at the north end of the site will be removed.

Ms. Stachowiak said that it will have to be removed.

Mr. Tobias asked if Mr. Maguire has any required approvals from the State or Federal government with respect to the close proximity of the new buildings to the railroad tracks.

Mr. Maguire said that all necessary approvals have been obtained.

Mr. Tobias asked about the materials that will be used for the new buildings.

Mr. Maguire said that they will be steel buildings and will be consistent with the appearance of the existing buildings on the site.

Mr. Tobias made a motion, seconded by Mr. Evert, to approve a variance to permit the construction of 3 new storage buildings on the property at 950 W. Jefferson Street that would have front yard setbacks of 20 feet and rear yard setbacks of 10 feet, based upon the findings of fact as detailed in the staff report, and to give immediate effect to the approval of the variances at 950 W. Jefferson Street, as necessary for the preservation of property and hereby certified on the record. On a roll call vote (6-0), the motion carried unanimously.

Variance Request – Side Yard Setback –222 W. River Street

Ms. Stachowiak stated that this is a request by Robert & Lynda Jones for a zoning variance to permit the construction of a carport on the west side of the existing house at 222 W. River Street. Section 220-64(F) of the Zoning Ordinance requires a setback of 3 feet to the side property line for carports. The proposed carport would have a side yard setback ranging from 1 foot, 8 inches at the northwest

Zoning Board of Appeals Minutes

April 16, 2015

Page 3

corner of the carport to 0 feet, 0 inches at the southwest corner of the carport. A variance of 1 foot, 2 inches to 3 feet is therefore, being requested.

Ms. Stachowiak stated that staff is recommending approval of the variance request. She said that the primary intent of setback regulations is to establish a uniform development pattern along roadways and to provide for adequate space around structures for maintenance purposes. In this case, the proposed carport will not extend any closer to the front property line than the front wall of the house and will be completely open on both sides so that it will not prevent the applicant from being able to maintain the grounds between the carport and the side property line. Therefore, the proposed variance will not be contrary to the intent and purpose of the Zoning Ordinance.

Ms. Stachowiak stated that there is a substantial grade change on the east side of the house that would make development of a garage extremely difficult in that area without a great deal of filling to level off the property. She said that this would cause an unnecessary hardship on the applicant. Ms. Stachowiak also said that if a garage were to be constructed on the east side of the house, it would block the view of the Grand River for the home owners on the south side of River Street.

Ms. Stachowiak stated that the next door neighbor to the west at 228 W. River Street, Terry Braun, has submitted a letter asking that the Board table the variance request until he returns to Michigan at the end of May. She said that the City has provided the required notice to all property owners within 300 feet of 222 W. River Street. Ms. Stachowiak said that it would not be appropriate to delay action on this request for 2 months. She said that the owner of the property at 228 W. River has listed several concerns in his letter, all of which should be satisfied by the fact that it is an open carport and therefore, the only thing that will actually be encroaching into the side yard setback are the 2 posts. She said that the storm water run-off will be controlled by gutters and Mr. Braun is not supposed to be piling snow on his neighbor's lot anyway or going on his lot to pave the driveway.

David Jones, 222 W. River Street, spoke in support of his request.

Mr. Graber said that it would be very expensive to build up the grade on the east side of the lot and a garage in that location would negatively impact the neighbors on the south side of River Street. He asked about the roof-line of the structure and the drainage.

Mr. Jones said that it will be a pitched roof and the water run-off will be controlled by gutters. He said that the proposed carport will be consistent with the architecture and character of the house which was built in 1875. He also said that the neighbor at 228 W. River has been using about 4 feet of his property for parking. Mr. Jones stated that the carport will be open on the east, west and south sides but will have fencing along the west side to protect the cars that will be parked in the carport.

Ms. MacDowell said that the amount of fill required to build up the grade on the east side of the house to build a carport or garage in that location may not even be allowed by the DNR or DEQ.

Mr. Graber said that since the sides of the carport will be open, it should not have any negative impacts on the adjoining property owner to the west.

Zoning Board of Appeals Minutes

April 16, 2015

Page 4

Mr. Cwayna made a motion, seconded by Mr. Tobias to approve a variance to permit the construction of a carport on the west side of the houses at 222 W. River Street that would have a side yard setback ranging from 1 foot, 8 inches at the northwest corner of the carport to 0 feet, 0 inches at the southwest corner of the carport, based upon the findings of fact as detailed in the staff report, and to give immediate effect to the approval of the variance at 222 W. River Street, as necessary for the preservation of property and hereby certified on the record. On a roll call vote (6-0), the motion carried unanimously.

OTHER BUSINESS

Comments from the Zoning Administrator - None

Comments from the Chairman

Mr. Graber stated that he likes the recommended motions being typed up and written in a way that they can be read in the first person. He said that the Board does not have to agree with the motion and can vote no on it but it is helpful to have it written out.

Mr. Graber said that as the Chairman of the ZBA, he is also a member of the Planning Commission. He said that the Planning Commission recently recommended approval of Phase 1 of an expansion of Meadow Woods Subdivision but as site condominiums, rather than a subdivision. Mr. Graber said that there will be 5 more phases to the development. He stated that there were 79 people at the public hearing on this project, although some of them were there for another project, and they expressed many concerns and asked a lot of questions about the project. Mr. Graber said that the City staff put together a written response to all of the questions and concerns that were raised at the public hearing and the project was approved by the City Council this past Monday.

Mr. Graber said that the Planning Commission is in the process of reviewing a site plan and special land use permit request for a new Speedway gas station on the site of the former Family Fare supermarket. He said that the original Family Fare building would be preserved and would be converted to a multiple suite retail building. The addition that was put on to the building several years ago, including the loading dock on the south side of the building, would be removed. Mr. Graber said that there will be an 8 foot high fence along the west property line north of the retail building to shield the parking lot for the neighbors to the west. He stated that the applicant is proposing an above-ground detention basin on the north side of the site because the Michigan Department of Transportation will not allow them to continue draining to M-100. He said that the Commission has many concerns about the detention basin and therefore, the plans for Speedway have been tabled until an alternative solution to the storm drainage matter can be worked out.

Ms. Stachowiak stated that Speedway has agreed to install underground detention.

Mr. Graber said that the Planning Commission continues its efforts to update the Zoning Ordinance. He said that the Council is reviewing some of the ordinance amendments that have been

Zoning Board of Appeals Minutes

April 16, 2015

Page 5

recommended for approval by the Commission. Mr. Graber said that the amendments have involved lighting, bike racks, landscaping and the storage of recreational vehicles.

Comments from Council Representative

Councilmember Bartholomew said that the new City Administrator is young, strong, ambitious and doing a great job for the City. She said that he has made the City as transparent as possible by updating the City's website to include as much information as possible. She thanked Ms. Stachowiak for the work she did on the Meadow Woods project in an effort to address the questions and concerns raised at the Planning Commission public hearing. She said that the most important thing was to make it clear that the City cannot deny something if it complies with the Ordinance requirements.

Councilmember Bartholomew stated that she appreciates Mr. & Mrs. Jones efforts to construct the carport in a location where it will not impact the view of the Grand River for their neighbors. She said that she and her husband took that into account when they have made changes to their property as well.

Councilmember Bartholomew thanked the Board for their service to the City. She said that their work is very important to the City, even though they do not meet very often. She also said that if the Board has any concerns, please let her or the City Administrator know and they will be happy to respond.

Comments from Board Members

Mr. Whaley said that there is an "s" on the end of house in the staff report for 222 W. River Street. He also said that Mr. Tobias said "construction building" rather than "storage buildings" when making his motion on the approval for the variances at 950 W. Jefferson Street.

Ms. Stachowiak said that she would make the necessary corrections.

Mr. Graber suggested sending a letter to Mr. Braun letting him know that his letter was received and advising him of the outcome of the variance.

Mr. Cwayna said that the Board's decision was not impacted by the fact the no one was present to represent Mr. Braun.

Adjournment - Mr. Graber adjourned the meeting at 7:45.

Respectfully submitted,

Susan Stachowiak
Zoning Administrator

Ben Tobias, Secretary
Zoning Board of Appeals