

Meeting Minutes for September 20, 2016
(**Agenda items** are in **bold** text)
4:00 P.M. @ Ishpeming City Hall

Meeting Called to order for the Ishpeming Zoning Board of Appeals by Chairperson Elyse Bertucci at 4:03 P.M.

Roll Call – Present: David Johnson, Evelyn Valente–Heikkila, Dick Burke, and Elyse Bertucci. Gabe Seelen resigned from the ZBA to prevent a conflict with the City Charter while running for a City Council position.

Absent: None

Public present: Aaron Perkins, Larry Poutanen, Theodore Deur as well as Mark Ellis and Al Pierce, Zoning Administrator.

Public Discussion – None.

Public Hearings

1. **ZV 2016-01**

Elyse read the legal notice from the Mining Journal.

Aaron Perkins is requesting a variance to permit residential off-street parking on Lots in the GC (General Commercial) district not attached with the principal structure in the CBD (Central Business District). The parcels are described as: Off-street Parking: SW quadrant Cleveland & Third - C.I.M.Co.'S Addn., Lots 68 & 69 and the Principal Structure: Nelson Plat, Lot 95, A.K.A. 212 Cleveland Ave., Ishpeming, MI.

Aaron indicated that he will have to remove a few trees presently on the lots to allow for vehicle parking, 2 cars, and that in the future he would be considering establishing future Greenhouses / Hoop Houses on the off-street parking parcels. Evelyn asked if more than one apartment would be established in the Principal Structural. Aaron stated that no additional living spaces would be established in the Principal Structure other than for his personal use. Al expressed his concerns over the number and type of vehicles that may be parked on this site due to the present residential use in the vicinity. There was no further Public Comment.

The following Findings of Fact were noted;

1. All fee, notification and publication requirements of the Zoning Ordinance have been met.
2. The applicant is the owner of record of Cleveland Iron Mining Company's Addition, Lots 68 & 69 (Off Street Parking Parcels) in the General Commercial (GC) District and the Nelson Plat, Lot 95 (Principal Structure) in the Central Business District (CBD), A.K.A. 212 Cleveland Ave., Ishpeming, MI.
3. On July 11, 2016 the Ishpeming Planning Commission granted a Conditional Use for Lot 95 of the Nelson Plat to allow an owner occupied "Residential Unit" subject to the requirement that it comply with Ishpeming's parking requirements.
4. Ishpeming's Zoning Ordinance in the Central Business District Section 15.3 Parking for Principal Uses states: "Conditional Uses, , must meet parking requirements."
5. Additionally, Ishpeming's Zoning Ordinance Section 21.2.B.5. (Off-Street Parking Regulations) states: "For residential uses, off-street parking shall be provided and maintained on the same lot with the principal structure."
6. The Principal Structure is located in the CBD and essentially fills the entire lot. It is physically impossible to park on the lot. The proposed off-street parking is located about 2 blocks East of the Principal Structure.
7. The applicant purchased the Off Street Parking Parcels, located in the GC district, to comply with winter off street parking requirements and proposes to park 2 vehicles on the lots and construct a future "Hoop House" garden structure.

Upon discussion by Board members, a motion by Dick Burke supported by Evelyn Valente–Heikkila that the variance to permit residential off-street parking be approved, subject to the condition that vehicle parking on the Two (2) lots be limited to no more than Four (4) vehicles at any time, passed unanimously.

2. ZV 2016-02

At 4:15 P.M., Elyse read the legal notice from the Mining Journal.

Larry Poutanen requests a size variance to permit a 24' x 26' expansion of an existing 60' x 24' detached garage, in the GR (General Residential) zoning district on a parcel described as: Assessors Plat of the New York Location, Lot 50, located on the West side of Seventh St., South of 122 New York St., Ishpeming, MI.

Upon questioning, Larry stated that the original garage had a peak height of 14', the first variance approved garage addition has a peak height of 13' and the proposed second addition (subject of this hearing) would have a peak height of 14' to allow interior storage of a new tractor. He also indicated the future potential for the construction of a new home on Sixth Street at some time in the future. The proposed garage expansion would be 24' x 26' with a peak height of 14'.

Mr. Mark Ellis, adjacent neighbor to the West, had no objection to the proposed peak height of 14' as it would not affect the view from his deck.

The following Findings of Fact were noted;

1. All fee, notification and publication requirements of the Zoning Ordinance have been met.
2. The applicant is the owner of record of the Assessors Plat of the New York Location, Lots 49 and 50 located in the General Residential (GR) District, A.K.A. 122 New York St., Ishpeming, MI.
3. In August of 2001, Mr. Poutanen was granted a Variance (ZBA 2001-09) to add a 20' x 26' addition to an existing 26' x 40' detached garage located on Lot 50 (total 1560 sq. ft.). The existing home on Lot 49 has a ground level floor size of 24' x 40' with an entryway (+/- 1050 sq. ft.). Without receiving a Variance, accessory structures can't exceed the ground level floor area of the Principal Structure. The proposed garage expansion is 24' x 26' (624 sq. ft.).
4. The Present garage has two different roof heights with the older portion fronting on Seventh Street being higher than the 2001 approved addition. If this variance is approved, the owner of Lot 48, Mark Ellis, will be looking over the roof of this latest proposed garage from his deck. He has requested consideration that the roof height be no higher than the 2001 approved addition to prevent impacting his view. There is an approximate grade difference from the deck (higher) to the garage floor grade (lower) of 12' – 14'.
5. The applicant has indicated that the proposed addition will not be utilized in a fashion that will generate Commercial foot-traffic to the site or require visitor parking spaces.

A motion by Evelyn Valente–Heikkila supported by Elyse Bertucci that the variance request, to permit a garage expansion of 24' x 26' with a peak height of 14', be approved passed unanimously.

3. ZV 2016-03

At 4:24 P.M. Elyse read the notice from the Mining Journal.

Theodore Deur requests a Variance to construct an 8'x8' Porch with 2 sides and a roof 1' from the Southerly R.O.W. Line of Elm Street in the SR (Single Residential) zoning district on a parcel described as: Lots 154 & 155 of the Plat Of North Ishpeming, A.K.A. 2100 Elm St., Ishpeming, MI.

Mr. Deur stated that he has an existing uncovered porch at the front of the house presently and as the metal roof drainage comes onto the porch, it becomes hazardous in winter and is difficult to keep clear. He stated that the

Planning Commission had approved a Class A Non-conforming status for the home with the right of future expansion in September. A variance is required from the ZBA as it will be 1' from the ROW of Elm Street. The following Findings of Fact were noted;

1. All fee, notification and publication requirements of the Zoning Ordinance have been met.
2. The applicant is the current owner of Lots 154 & 155 of the Plat of North Ishpeming, 2100 Elm St., Ishpeming, MI. The parcels are located in the SR (Single Residential) Zoning District and the home and garage have received a Class A Non-conforming designation along with the right of future expansion from the Ishpeming Planning Commission on September 12, 2016.
3. The applicant is applying to the Zoning Board of Appeals for a Variance to construct an 8'x8' covered entryway with two sides attached to the house and located 1' Southerly from the ROW of Elm St. The zoning setback in this district is 25'. The house has a metal roof and sliding snow covers the entry steps. The current steps are proposed to be re-constructed.
4. Per the plat, the lots front on unconstructed Lincoln St. and have a nominal width of 50' and a depth of 120'. As utilized, the combined parcels have a width of 120' and a depth of 100'. The ground slopes sharply away from Elm St. and is believed to be the reason for present placement of the structures. It is not possible to trace the issuance of the initial permits and the home was constructed in 1988.
5. If approved, this variance and subsequent improvements would help to provide a second fire exit from the home in winter conditions.

A motion to approve a Variance of 1' from the ROW of Elm St. by David Johnson supported by Dick Burke passed unanimously and the variance request was approved.

Approval of Previous Meeting Minutes – Upon a motion by Elyse Bertucci, supported by Dick Burke, the meeting minutes of October 21, 2015 were unanimously approved.

Old Business – none.

Public Discussion – none.

Meeting Adjournment was passed unanimously, upon a motion by Dick Burke supported by Dave Johnson, at 4:35 P.M.

By: _____
Alan K. Pierce, Zoning Administrator