

Meeting Minutes for September 27, 2017
(**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 4:00 P.M.

Roll Call – Present: David Johnson, Evelyn Valente–Heikkila, Dick Burke, and Elyse Bertucci, and Gabe Seelen.

Absent: None

Public present: Dave Vernier and Al Pierce, Zoning Administrator.

Public Discussion – None.

Public Hearings

1. **ZV 2017-01**

Elyse read the legal notice from the Mining Journal.

Dave Vernier (Sno-Palm Inc.) is requesting a variance to permit a 9' x 7' can/bottle storage addition to the existing Oasis Fuel Station in the GC (General Commercial) district. The parcel is described as SEC 10 T47N R27W .653 A M/L PART OF GOVT LOT 1 (NW-NW) BEG 621.75' E OF SW COR OF SAID SUB TH S88DEG49'E 41.55' TH N64DEG09'E 279.99' TH N25DEG50'W 92' TH SW'LY 233.89' ALG S ROW OF CANDA ST EXT TH S59DEG17'W ALG ROW 71.11' TH S15DEGE 66.42' TO POB, a.k.a. 378 W. Division.

Dave indicated that the storage area is accessed only from inside the store. It was necessary to add the storage capability due to the recent decision to sell beer and can/bottle returns have greatly increased. His perspective is that the only place to locate the storage area is on the alley side since a large cooler is on the Hematite Drive side and it would be very expensive to move. There is no place for the storage area on the common wall with Subway or on the gas pump side. He stated that a separate detached shed outside would be prone to theft and could pose a safety hazard to his female employees taking cans/bottles out late at night. Placing it on the East wall of Subway was not favored by his Lessee. There was discussion initiated by Gabe over what was the front of the building with Dave stating his thoughts that it was the Division St. side and Commissioners feeling it was the Hematite Drive side. Al indicated that whether it was a sideyard or rearyard, the setback remained at 10' for both.

Elyse and others expressed concerns over the DPW plowing of the approximate 25' wide alley and potential impact of snow on the can/bottle addition. Dave felt that the difference in grade with the store being higher than the alley would minimize the potential for damage. He indicated that after the City plows to the West, he has to plow back to the East for some distance. Gabe stated his thoughts that the store is probably small by current standards and perhaps too much is trying to be done with too little. He also felt there were traffic issues with vendors' semi-truck parking in the alley impeding clear vision requirements on Division 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 owner of record of PART OF GOVT LOT 1 (NW-NW) SEC 10 T47N R27W BEG 621.75' E OF SW COR OF SAID SUB TH S88DEG49'E 41.55' TH N64DEG09'E 279.99' TH SW'LY 233.89' ALG S ROW OF CANDA ST EXT TH S59DEG17'W ALG ROW 71.11' TH S15DEG3 66.42' TO POB., located in the General Commercial (GC) District, A.K.A. 378 W. Division Ave., Ishpeming, MI.

3. It is difficult to determine what is the side yard or rear yard of the parcel given the shape of the parcel and the orientation of “front” entrances off of two sides of the building. Other than semantics, it does not matter since both side and rear yard setbacks are the same requirement of Ten feet (10’) in the GC District. A variance of 4’9” is required to comply with district setback requirements.

4. The West entrance is for the Oasis Gas/ Convenience store and the North entrance is for Subway, a separate space connected by a hallway and which is rented by the franchise. It is not possible to utilize the leased space for bottle/can storage. The Oasis recently started selling alcoholic beverages and bottle / can storage became a necessity. Unless the store was extensively remodeled and the location of the cooler moved inside the store, storage space was not available.

5. The applicant has placed the can / bottle storage addition, without obtaining a Zoning Compliance Permit from the Zoning Administrator, outside the Southerly wall of the building and violated the setback requirement of 10’. Instead of conventional footings, the 6’9” wide by 9’4” long addition is supported by a doubled 2x4 (3” height) and an apparent railroad tie (+/- 7” height). The entire addition appears to be made of steel. A variance of about 4’9” is required to approve the placement of the can/ bottle storage addition.

Upon discussion by Board members, a motion by Gabe Seelen supported by Dick Burke that the variance request for a rear yard setback of 4’9” be denied, passed unanimously.

Approval of Previous Meeting Minutes – Upon a motion by Dick Burke, supported by Evelyn Valente-Heikkila, the meeting minutes of September 20, 2016 were unanimously approved.

Old Business – none.

Public Discussion – none.

Meeting Adjournment was passed unanimously, upon a motion by Dick Burke supported by Evelyn Valente-Heikkila, at 5:03 P.M.

By: _____
Alan K. Pierce, Zoning Administrator