

Meeting Minutes for October 18, 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, Elyse Bertucci, and Gabe Seelen.
Absent: None

Public present: Dave Vernier, Jessica Richards and three other Vernier employees, and Al Pierce, Zoning Administrator.

Public Discussion – None.

Public Hearings – Review of ZV 2016-01 due to new information.

1. **ZV 2017-01 Review**

Elyse stated that the purpose of the meeting was to review new information from the DPW Director regarding the impact of the proposed building addition to the Oasis Gas Station. The DPW's position was a matter of surmise at the initial Hearing.

As read by Elyse: Jon Kangas, DPW Director stated in an email dated 10-04-2017:

“Al – I have received a request from Dave Vernier to offer my opinion on the impact of the building addition at the address indicated in the Subject line above {378 West Division}. This is the recent addition adjacent the City alley on the south side of the building. After discussing with our plow crews and inspecting the site, it does not appear that the addition has a negative impact on our operations. If anything, it appears the addition would have a greater impact on the property owner than the City. Any other aspects of this addition are not part of this opinion.”

Dave Vernier (Sno-Palm Inc.) stated that the entrance to the can/bottle storage shed is only from inside the building, as there is no exterior door. He also relayed that the owner of the “Subway” franchise does not want returned cans and bottles brought thru the waiting/dining area of his restaurant. Dave also anticipates that his plowing pattern in the alley will be affected by the addition since he has to push the snow to the East side of his parcel after the City plows the alley. After comments at the prior meeting about delivery trucks parking/standing in the alley and potentially blocking vision for West bound vehicles, Dave has informed drivers that they should no longer park in the alley.

Gabe shared his opinion that the slab to the East of the building with a trash receptacle would be a more appropriate place for the storage of returned cans and bottles.

Jessica Richards, an employee at the Oasis station in question, indicated that storage of returnables is always a sanitary issue with what some customers put or leave in the cans and crossing the parking lot late at night to an exterior storage shed would be a longer walk with more opportunity for an accident or spillage. Returnables are usually processed at night and, with only one employee and customers, it's very busy. In her opinion, some of customers/ hangers on about the gas station are addicts and this makes a walk outside at night less than desirable.

Gabe felt this was more a matter of convenience and an operational issue and, in his opinion, adding to the stores footprint in a more conventional way would be preferred. The foundation for the existing can storage addition must be improved and based upon building codes would probably be concrete block or treated wood. He felt a crushing machine for the cans would improve the operation and provide more sanitation.

Dave Vernier was not inclined to invest in a crushing machine and stated that taxes and operational overhead are already at \$20,000 to \$25,000 yearly and he must pay attention to his costs. He also relayed that he is not aware of any Ishpeming residents' complaints about his operation.

ZBA members stated their opinions: Dave Johnson - does not have an issue with approving a variance; Evelyn Valente-Heikkila – does not like after the fact requests, County permit necessary; Dick Burke - a County Building Permit should be obtained; Gabe Seelen – setback requirement has been violated and is opposed to approval; Elyse Bertucci - a County Building Permit should be obtained.

The following updated Findings of Fact for ZV 2016-01 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.
6. On September 27, 2017 the Ishpeming Zoning Board of Appeals, upon a motion and support, made a decision based upon information available at the time to unanimously deny the applicants request for a rear yard setback for a can/ bottle storage addition to the existing Oasis Gas/ Convenience store.
7. At the applicant's request, the DPW Director, Jon Kangas, provide new information and offered his opinion, via Email on October 4, 2017, that the recent addition adjacent the City alley on the South side of the building does not appear to have a negative impact on DPW snow plowing operations.

Upon discussion by Board members, a motion by Dick Burke supported by Evelyn Valente-Heikkila that the variance request for a rear yard setback of 4'9” be approved, passed on a 4-1 vote, with Gabe Seelen voting nay.

Approval of Previous Meeting Minutes – Upon a motion by Gabe Seelen, supported by Dick Burke, the meeting minutes of September 27, 2017 were unanimously approved.

Old Business – none.

Public Discussion – none.

Meeting Adjournment was passed unanimously, upon a motion by Evelyn Valente-Heikkila supported by Dick Burke, at 4:22 P.M.

By: _____
Alan K. Pierce, Zoning Administrator