

Meeting Minutes for December 04, 2018  
(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 4:02 P.M.

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

Public present: Reid Anderson of UPEA, Jason Gauthier of RG Design, Anne Giroux of M.C.L.B. and Al Pierce, Zoning Administrator.

**Public Comment** – None.

**Public Hearings :**

**LS 2018-03** a request for a Lot Split (LS 2018-03) and **LS 2018-04** a request for a Lot Split (LS 2018-04) are combined to permit the division of Lot 11 of The Assessor's Plat of the Nebraska Location in the GC (General Commercial) zoning district.

Al was asked to provide the background information on these lot splits. He explained that Lots 10, 11, and 12 were all located in the Nebraska Location Assessor's Plat and were all part of the former Bell Memorial Hospital site. All buildings were removed except the Tobin Building which is owned by Great Lakes Recovery Center (GLRC) and is located on Lot 12. It presently has no parking associated with it and is accordingly a Non-conforming Lot. Jasperlite Senior Housing owns Lots 10 & 11 and desires to construct a senior development and provide parking to GLRC. UPEA has worked with the City to correct GLRC ownership and desires to move forward with the Senior development. Reid Anderson confirmed that all of Ishpeming's zoning and site requirements have been addressed with this request.

The following Findings of Fact were noted:

**CASE NO. LS 2018-03 & LS 2018-04**  
**LOT SPLITS FOR LOT 11, ASSESSOR'S PLAT OF THE NEBRASKA LOCATION**

1. All fee, notification, and publication requirements of the Zoning Ordinance have been met.
2. The applicant, UP Engineers and Architects, INC., is requesting a lot split on behalf of Jasperlite Senior Housing Limited Dividend Housing Association, LLC, who is believed to be the owner of Lots 10 & 11 of the Assessor's Plat of the Nebraska Location. Lot 12 is believed to be owned by Great Lakes Recovery Centers Inc. All parcels are located in the GC (General Commercial) District. All three lots in the past were owned by Bell Memorial Hospital. The former Tobin Building (Lot 12) was part of Bell's ownership.
3. Lot 12 presently does not contain any parking spaces and the building is a non-conforming structure as the front yard setback (South side of the building) is less than 20'. The proposed conveyance of a portion of Lot 11 will correct both issues. Future use of this building is presently unknown. Accordingly, the City has requested one parking space per each 250 square feet of building area which requires about 50 parking spaces. UPEA has provided 63 parking spaces, met the 2' required offset from the boundary line and corrected the front yard setback to meet zoning requirements.
4. Upon approval of Ishpeming's Zoning Board of Appeals of the proposed splits for Lots 11A and 11B and appropriate recordation, the Jasperlite project can move forward to obtain the required permits.
5. UPEA has provided a Certificate of Survey and Certified Legal Descriptions for Lot 11A and 11B for use in future deeds.

A motion was made by Dick Burke supported by Gabe Seelen and unanimously passed to approve the division of Lot 11 of the Assessor's Plat of the Nebraska Location as presented.

**ZV 2018-02** a request by Gauthier Enterprises, LLC for Front, Side, and Transitional Yard Variances for a proposed structure on Lot 1, Assessors Plat of Bessemer Street.

The proposed building (45' wide by 51' deep and requested setbacks (15' front yard, 10' side yard, and 5' rear yard) were in the furnished packet information and displayed on an easel for presentation. Also presented in the packet was a drawing showing the required zoning setbacks (20' front yard, 20' side yard abutting a street and 30' rear boundary transitional yard) and the buildable site area without variances of 22.5' wide and 70' in length which was prepared by the Zoning Administrator, Al Pierce. Al also provided a synopsis of history to date to Appeals Board Members including; Marquette County Land Bank acquisition, discovery and remediation of 3 underground tanks, removal of the existing building, restoration of site to grade, and two (2) separate rezonings to General Commercial from GR and DD. The applicant proposes to provide Assembly Group A-2, which occupancy provides assembly uses intended for food and / or drink consumption. Al noted that the site is small for commercial standards and is impacted by larger setbacks due to the adjacent General Residential zoning. The East side has an existing wooden fence about 6' high which will be maintained to screen an adjacent home. The fence is not located exactly on the property line and is located, in part on each property.

The following Findings of Fact were noted for case No. **ZV 2018-02**:

1. All fee, notification and publication requirements of the Zoning Ordinance have been met. The Ad was placed in the Mining Journal as required and public notice has been given by mailing.
2. The current owner of Lot 1, Assessor's Plat of Bessemer Street is believed to be the Marquette County Land Bank Authority. The lot is presently zoned GC (General Commercial). Zoning districts to the North and West are General Commercial and to the East and South are General Residential.
3. The lot is approximately 72.85' in depth and 100' wide. The zoning setbacks for this district are 20' Front Yard (**15' proposed**), 20' for a Side Yard abutting a street (**10' proposed**), 30' for a Boundary Transitional Rear Yard (**5' proposed**) and 10' for Side or Rear Yard. The buildable area per the Zoning ordinance is approximately 70' wide and 22.5' in depth. The proposed building is 45' wide and 51' 5" in depth. The applicant proposes to lease 12' on the North side from the City of Ishpeming which is also zoned GC.
4. This lot is serviced by Water, Sanitary Sewer, and Storm Sewer and all are anticipated to be of sufficient size/ capacity to serve the proposed development, which is proposed to be Assembly Group A-2, occupancy includes assembly uses intended for food and/or drink consumption.
5. The subject parcel is located at the NE quadrant of Third and Bessemer Streets and would be immediately adjacent to homes located in the GR (General Residential) zoning district to the East and South. Site traffic is anticipated to be served by Third Street (MDOT R.O.W.). The NW quadrant of Third and Bessemer Streets is presently zoned GC (General Commercial).

Gabe Seelen made a motion, supported by Dick Burke that Setback Variances be approved as follows: (a) 15' Front Yard, (b) 10' for a Side Yard abutting a street, and (c) 5' for a Boundary Transitional Rear Yard subject to the condition that a fence be maintained at all times by the applicant and if replaced that it be installed at the applicant's cost on the property line. The motion passed unanimously.

**LS 2018-05** a request by the Marquette County Land Bank for a Lot Split to convey East Six (6) Feet of Lot 93 of Cleveland Iron Company's Addition to the City of Ishpeming to the Sylvester's to facilitate foundation repairs on Lot 92.

This issue came to light at a City of Ishpeming Planning Commission meeting in the consideration of a Conditional Use hearing for the Hematite Art Park. The Sylvester's own Lot 92 and have a home with a cracked foundation located 3' East of their West property line. They have asked for conveyance of a strip of land from the County Land Bank to facilitate foundation repairs. The Land Bank's Board has agreed to grant this request subject to the approval of the Zoning Board of Appeals.

The following Findings of Fact were noted for case No. **LS 2018-05**:

1. All notification and publication requirements of the Zoning Ordinance have been met.

2. The applicant is the current owner of Lots 93 & 94 of the Cleveland Iron Co.'s Addition, A.K.A. 402 & 406 E. Division St., Ishpeming, MI. The subject parcels are located in the GR (General Residential) District. There are no structures on the parcels presently and the site is directly across the street from the Ishpeming High School.

3. At the Nov. 5<sup>th</sup>, 2018 Planning Commission Meeting considering a Conditional Use for the Art Park, the adjacent neighbor, Ms. Kathy Sylvester, discussed her cracked foundation that is only 3' East of the property line and the desire to obtain some additional land and repair the foundation. While there was some discussion at this meeting about this issue, there was no action as it was not the right Commission (Planning Commission) or time to make the decision.

4. The Marquette County Land Bank Authority has subsequently met and offered to convey the East Six (6) feet of Lot 93 to the Sylvester's pending approval of the Zoning Board of Appeals. There will still be sufficient space for the development of the Hematite Art Park and the proposed revision of the lot line will make this side of the lot conform to the Six (6) foot side yard setback requirement of the GR Zoning District.

5. A future fence is proposed to be installed on the East side of the Site. Construction of the Art Park is proposed to commence in the Spring of 2019.

Dick Burke made a motion, supported by Gabe Seelen, that the East Six (6) Feet of Lot 93 of Cleveland Iron Company's Addition to the City of Ishpeming be split to be conveyed to the owners of Lot 92 of said subdivision, which motion passed unanimously.

**Approval of Previous Meeting Minutes** – Upon a motion by Dick Burke, supported by Gabe Seelen, the meeting minutes of November 07, 2017 were unanimously approved.

**Old Business** – none.

**Public Discussion** – none.

**Meeting Adjournment** was passed unanimously, upon a motion by Dick Burke supported by Gabe Seelen, at 4:42 P.M.

By:



\_\_\_\_\_  
Alan K. Pierce, Zoning Administrator