

Ishpeming Zoning Board of Appeals
Meeting Minutes for January 08, 2020
(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, Elyse Bertucci, and Gabe Seelen.
Absent: Dick Burke and Evelyn Valente-Heikkila.

Public present: Ms. Hannah Bimel, applicant and Al Pierce, Zoning Administrator.

Public Comment – None.

Public Hearings (combined):

**LOT SPLIT FOR LOTS 29 & 30, C. I. MNG. CO.'S SECOND ADN. TO ISHPEMING
APPLICANT: MS. HANNAH BIMEL
CASE NO.'S LS 2020 – 01 & LS 2020-02**

LS 2020-01 and **LS 2020-02** are a request for a Lot Splits (LS 2020-01) & (LS 2020-02) and are combined to permit the requested division of Lots 29 & 30 of Cleveland Iron Mining Company's Second Addition in the GR (General Residential) zoning district.

Al was asked to provide the background information on these lot splits. He explained that Lots 29 and 30 were both located in C.I.M'ng. Co.'s 2nd Addition (platted in 1892) and were developed in a North-South fashion while the lots were platted in an East-West fashion generally. The buildings (a single-family home and a four-unit apartment) appear to have adequate parking associated with them if lots are split and are both considered to be Class A Non-Conforming Structures as they both are too close to the Front and Side lot lines. Both structures are felt to be more than 60 years old.

Upon request, Al initiated discussion on the density requirements of the Ordinance which in the GR District permits only a two-family dwelling unit and only upon receiving a Conditional Use. The applicant stated that it was a four-unit building when purchased in 2015 and that the 4-unit apartment building successfully passed an Ishpeming rental inspection in 2018. Al initiated the concept of splitting the difference and proposed limiting approval to three units, but the applicant felt the reduced income potential could reduce the value of income property upon sale. Board members did not support the concept of unit reduction in this instance especially since the units passed a rental inspection by the City. As the applicant had expressed concerns about unit valuation and preservation, Board members felt it to be appropriate that their potential approval of a lot split should be conditioned upon the future approval of a Class A Non-Conforming designation for each structure by the City of Ishpeming Planning Commission.

FINDINGS OF FACT

1. All notification and publication requirements of the Zoning Ordinance have been met.
2. The applicant is the current owner of Lots 29 & 30 of the Cleveland Iron Mining Co.'s Second Addition, A.K.A. 801 N. Third & 511 Empire Streets, Ishpeming, MI. This plat was recorded in 1892. The subject parcels are located in the GR (General Residential) District. There are two structures on the parcels presently, a four-unit apartment and a single-family home and the sites appear to have adequate areas for off-street parking per District requirements. Per the City Zoning Ordinance, the GR district has density limited to duplex units per the Zoning Ordinance, upon a Conditional Use approval.

3. The applicant, Britton Bimel, purchased the property as presently developed in August, 2015. The platted lots in this subdivision are predominantly developed in an East-West fashion, while these structures are positioned in a North-South arrangement. No matter how you approach these structures, each one violates front and side yard setbacks. It's not known how these sites have been allowed to develop in this fashion for what appears to be a long time.

4. The Eastern structure (4-unit apartment per applicant) is presently considered as a Class B non-conforming use as density, per the GR zoning district, is limited to a 2-family unit **and** a Class B non-conforming structure as it violates Front and Side Yard setbacks for the GR district. This apartment passed Ishpeming's Rental Code inspection in 2018. The Western structure (single family home) is a permitted use but the structure is considered a Class B non-conforming structure as it violates Front and Side Yard setbacks for the GR district.

5. The proposed lot splits (The East 67' of Lots 29 and 30 of C.I.M.Co.'s Second Addition to the City of Ishpeming) and (The West 33' of Lots 29 and 30 of C.I.M.Co.'s Second Addition to the City of Ishpeming) would allow each structure its unique legal description and permit each to be sold separately with its own legal description.

ORDINANCE CONSIDERATIONS

Section 11.0 GR (General Residential District);

Section 23.0 Non-conforming Uses and Structures.

Gabe Seelen made a motion, supported by David Johnson, that the lot splits be approved as presented (*The East 67' of Lots 29 and 30 of C.I.M.Co.'s Second Addition to the City of Ishpeming and The West 33' of Lots 29 and 30 of C.I.M.Co.'s Second Addition to the City of Ishpeming*) subject to the condition that each structure receive a Class A Non-Conforming Structure designation upon application and approval by the City of Ishpeming Planning Commission. The motion passed unanimously.

Approval of Previous Meeting Minutes – Upon a motion by David Johnson, supported by Gabe Seelen, the meeting minutes of December 04, 2018 were unanimously approved.

Old Business – none.

Public Discussion – none.

Meeting Adjournment was passed unanimously, upon a motion by Gabe Seelen supported by Elyse Bertucci, at 4:38 P.M.

By:



Alan K. Pierce, Zoning Administrator