

Ishpeming Zoning Board of Appeals
Meeting Minutes for January 20, 2021
(Agenda items are in **bold** text)
4:30 P.M. @ Ishpeming City Hall

Zoom Meeting Called to order for the Ishpeming Zoning Board of Appeals by Chairperson Elyse Bertucci at 4:33 P.M.

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

Public present: Tim Kinney (at 2:15 into the meeting) and Al Pierce, Zoning Administrator, who stated a quorum of Commissioners was present.

Public Comment – None.

Public Hearing LS 2021-01: The ZBA members questioned if the applicants offer of \$3,000 per acre would set a precedent for the future sale of Malton Road parcels. Al responded that, while 1 case does not set a precedent, the future price could be impacted. Each potential sale has a variety of factors affecting the sale price.

Questions were raised by Gabe about the NW corner of the proposed parcel as the preliminary sketch showed the proposed sale abutting Lots 5 & 6 of the Assessor's Plat of East New York Street. The Certified Survey shows an approximate 100' gap of City ownership between the parties. Al replied that in discussing Mr. Kinney's potential future use of the land, the possibility of horses had been brought forward. As Lots 5 & 6 are very small, Al had asked Tim to stay about 100' away from the rear of the lots and leave a gap to minimize any impact on them. Tim had concurred with the presented survey as the result. He also indicated that the area in question acted as a drainage swale from the water tower area. Statements were made by all Board members that indicated no desire to have City ownership separate private ownership in this limited fashion.

Upon further discussions with all ZBA members, Al was directed to close the gap between the parcels by 1. Extend Kinney's parcel to the platted lots or 2. Contact the Lot owners to see if they wished to enlarge their platted parcels. All Board members expressed a preference that the gap be closed.

Gabe also noted that the NE part of Kinney's proposed parcel had moved to the North with the survey. Tim acknowledged that was true as the City Manager had mentioned a possible RV park / Rustic campground close to his North line. In discussing this with his wife, they decided to ask for more breathing room from any potential camping development. The rustic area was positioned North of the area in question at the toe of the bluff West of Malton Road. The RV Park was located Northerly and East of Malton Road and apparently is no longer in consideration.

FINDINGS OF FACT

1. All notification and publication requirements of the Zoning Ordinance have been met.
2. The applicant is the current owner of Lot 7 of the Assessor's Plat of East New York Street, A.K.A. 400 East New York Street, Ishpeming, MI. This plat was recorded in 1978. The subject parcel is adjacent and located in the DD (Deferred Development) District. There are no structures on the parcel presently. It is an 8.47-acre parcel bounded on the South by a 25' wide Sanitary Sewer Easement, on the East by Malton Road and a 50' wide Non-motorized Trail Easement, on the North by undeveloped land, and on the West by the Assessor's Plat of East New York Street.
3. The applicant, Mr. Timothy Kinney, is proposing to purchase the property from the City of Ishpeming in accordance with the Charter of the City of Ishpeming, Section 14.8 Disposal of City Real Property. The parcel has been surveyed and described by TRIMEDIA of Marquette.

4. The Zoning Administrator is directed to ensure that there is no City of Ishpeming ownership between Lots 5 & 6 of the Assessor's Plat of East New York Street and Mr. Kinney's parcel purchased from the City of Ishpeming.

5. Approval of the lot split by the City of Ishpeming Zoning Board of Appeals will be furnished to the Ishpeming City Council and, upon their affirmative action based upon Section 14.8 (c) of the Charter of the City of Ishpeming, forwarded to the Marquette County Equalization Department for assignment of a parcel identification number (PIN) and placement on the Tax Roll.

CITY OF ISHPEMING ORDINANCE CONSIDERATIONS

Ordinance No. 8-300 An Ordinance Regulating Lot Splits

A motion by Gabe Seelen, supported by Dick Burke, that the Lot Split be approved, provided that there be no gap in ownership between Lots 5 & 6 of the Assessor's Plat of East New York Street and Mr. Kinney's parcel purchased from the City of Ishpeming, passed unanimously.

Approval of Previous Meeting Minutes – Upon a motion by Dick Burke, supported by Gabe Seelen, the meeting minutes of August 05, 2020 were unanimously approved.

Old Business – none.

Public Discussion – Al made ZBA members aware that our current Zoning Ordinance and the Zoning Enabling Act statutorily required 2 Alternate members of the Zoning Board of Appeals be appointed in the event of an appeal involving a Planning Commission decision or an absentee member (s). The ZBA authorized the procuring of Two (2) alternate members to comply with legislative requirements. Al will work with City staff to fill these vacancies.

Meeting Adjournment was passed unanimously, upon a motion by Gabe Seelen supported by Dick Burke, at 4:59 P.M.

By:



Alan K. Pierce, Zoning Administrator