

Ishpeming Planning Commission
Meeting Minutes for September 12, 2016 (**Agenda items are in bold text**)
7:00 P.M. @ Ishpeming City Hall

A. Call to Order for the Ishpeming Planning Commission was by consensus at 7:05 P.M.

B. Roll Call – 1. Resignation of Gabe Seelen – Election of New Chairperson.

Gabe is running for the City Council. The prior City Attorney, David Savu, had requested an Opinion in years past from District Court in regards to the propriety of remaining on City Boards and Commissions when seeking public office. The Opinion received indicated that it was probably a conflict of interest. Upon discussion, Bruce Houghton agreed to act as Chairperson for tonight's meeting.

A motion by Jim Bertucci supported by Harry Weikel to accept the resignation of Gabe Seelen with regret passed unanimously.

Present: Planning Commissioners Jim Bertucci, Bruce Houghton, Mike Tonkin, Larry Bussone, and Harry Weikel.

Absent: Angelo Bosio, Lauren Luce and Glen Lerlie.

Public present: Ted Duer, Ethan Ammerman, Mark Slown, and Al Pierce.

C. Public Comment – None, Public Comments were closed at 7:07 P.M.

D. Approval of Agenda – The Agenda was approved unanimously as presented upon a motion by Larry Bussone supported by Jim Bertucci.

E. Approval of Previous Meeting Minutes – The meeting minutes of July 11, 2016 and August 01, 2016 were approved unanimously as presented upon a motion by Harry Weikel supported by Mike Tonkin.

F. Presentations – none.

G. Public Hearings –

1. NCS 2016-01 Theodore Deur requests a Class A Non-Conforming Structure designation for an existing garage and home including the right of future expansion for the home.

Al explained that both the house and garage were non-conforming structures since they were 9' from the ROW line instead of the required 25'. He speculated that the natural steep elevation loss from Elm Street may have been the reason for the placement of the structures. Upon the granting of Class A Non-conforming status for each structure, they may be rebuilt in the event of destruction by fire or natural events. Mr. Deur also desires to add two walls and a roof over his front entry steps and requires the right to expand upon the existing home upon receipt of the Class A Non-conforming designation.

Larry questioned Mr. Deur regarding the proposed entryway. Mr. Deur explained that the house has a metal roof and it sheds snow on the uncovered steps. The entryway, once covered, will be much easier to maintain and more accessible. If the Planning Commission grants his Class A status, he will be able to seek a Variance from the Zoning Board of Appeals to permit construction.

Jim asked if an expanded entryway would cause a snow plowing issue if constructed as proposed. Mr. Deur indicated that there would be at least 15' from the edge of the road to the entryway and offered his opinion that there would be no damage from snowplowing. Al circulated 3 pictures taken by the applicant that showed the structures and the slopes. The consensus was that snowplow damage was not likely.

The proposed Findings of Fact for Case No. NCS 2016-01 were noted:

1. All fee, notification and publication requirements of the Zoning Ordinance have been met.
2. The applicant is the current owner of Lots 154 & 155 of the Plat of North Ishpeming, 2100 Elm St., Ishpeming, MI. The subject structures are located in the SR (Single Residential) Zoning District where both structures are Class B non-conforming since they have a 9' setback from the ROW of Elm Street with the ordinance requiring 25'.
3. The applicant desires, upon acquiring a Class A designation for the home, to apply to the Zoning Board of Appeals for a Variance to construct an 8'x8' entryway attached to the house and located 1' from the ROW of Elm St. No expansion for the garage is requested.
4. Per the plat, the lots front on Lincoln St. which was never constructed and have a nominal width of 50' and a depth of 120'. As utilized, the combined parcels have a width of 120' and a depth of 100'. The ground slopes sharply away from Elm St. and is believed to be the reason for present placement of the structures. It is not possible to trace the issuance of the initial permits and the home was constructed in 1988.
5. Continuance of the use of these structures for residential purposes would not be contrary to the public health, safety, welfare or intent of this ordinance and no useful purpose would be served by a strict application of the provisions of this ordinance.

A motion by Larry Bussone supported by Harry Weikel to grant a Class A Non-conforming status to the house and garage along with the right to expand upon the existing house passed unanimously.

2. Recommendation to the City Council regarding the Vacation of Lincoln Street between Elm and Linden Streets in the Plat of North Ishpeming as requested by Theodore Deur.

Mr. Deur had requested the vacation of Lincoln Street as it would allow him to add an addition onto the East side of his home which is not possible at present due to the placement of the home on the lot and grade issues with the unconstructed Lincoln Street Right Of Way.

Al stated that he had walked the ROW of Lincoln between Elm and Poplar and that it is completely undeveloped and wooded. At Elm Street it is about 10' feet higher than the road grade and proceeding Northerly, the ground surface drops approximately 20' below the road grade in 100', then flattens out before rising approximately 30' as the ROW approaches Poplar Street. There are no utilities of any nature within the unconstructed ROW.

Larry noted that Birch Street to the North was vacated and that Lincoln Avenue to the North was also never constructed. Presently only 5 parties own frontage on this portion of Lincoln with two owners having multiple lots. Commissioners expressed concerns for property values, future access for undeveloped lots, and hesitation to remove a platted ROW.

A motion by Larry Bussone supported by Harry Weikel that the Planning Commission recommend to the City Council that Lincoln Street between Elm and Linden Streets in the Plat of North Ishpeming not be vacated passed unanimously.

3. NCS-2016-02 Ethan Ammerman requests a Class A Non-Conforming Structure designation for an existing shed attached to a house including the right of future replacement and expansion.

Al provided background information on the status of the shed. Presently it's a Class B Non-conforming structure as it is located on the lot line in the GR zoning district instead of the required 6' side yard setback. Due to its appearance and the nature of the material it is constructed with, the shed gives the impression of being there for quite some time and is believed to precede the Zoning Ordinance. Mr. Ammerman desires to repair the shed and enlarge it by approximately 4 feet. In order for a permit to be issued, the shed must receive a Class A Non-conforming structure designation along with the right of expansion.

Ethan stated that he bought this house eight years ago and the 11'8" wide and 11' long shed was there at that time. The floor is rotting and the roof needs to be repaired. Given the status of the structure, his insurance company is denying coverage on the shed. He also stated that he would like to extend it by an additional 4' in the rear. His neighbor has no objections to the location of the shed on the lot line and the fence at the shed is moveable to permit maintenance.

The proposed Findings of Fact for Case No. NCS 2016-02 were noted:

1. All fee, notification and publication requirements of the Zoning Ordinance have been met.
2. The applicant is the current owner of Lot 169 of the U.S. Steel Corporation Assessor's Plat No. 1 of the Hard Ore Extension, 404 S. Second St., Ishpeming, MI. The subject structure, an existing shed 11'8" wide and 11' long, is located in the GR (General Residential) Zoning District where the structure is Class B non-conforming as it is attached to the house and located on the lot line with the Ordinance requiring a minimum of 6' side yard setback.
3. The applicant desires, upon acquiring a Class A designation for the shed, to replace the shed at its current width and extend the length 4' for a total length of 15'.
4. The house and attached shed are believed to have been constructed prior to the adoption of zoning in the City of Ishpeming.
5. Continuance of the use of this accessory structure for residential purposes would not be contrary to the public health, safety, welfare or intent of this ordinance and no useful purpose would be served by a strict application of the provisions of this ordinance.

A motion by Larry Bussone supported by Jim Bertucci to grant a Class A Non-conforming status to the shed along with the right to expand the shed to 15' in length passed unanimously.

H. New Business – none.

I. Old Business

1. City of Negaunee Master Plan Comments

Al explained the process for comments from neighboring jurisdictions for Negaunee's Master Plan and that Gabe Seelen had the Plan for review. As a matter of consensus, Planning Commissioners declined to provide comments to Negaunee regarding their Master Plan.

2. Status of Marquette County Resource Management Digital Zoning Map Review

No review scheduled

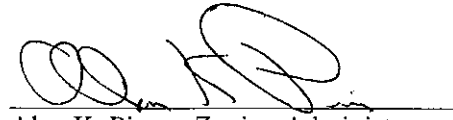
3. Zoning Ordinance Review Committee

No meeting scheduled

J. Correspondence – none.

K. Meeting Adjournment was unanimous upon a motion by Larry Bussone supported by Jim Bertucci at 8:02 P.M.

By:


Alan K. Pierce, Zoning Administrator