

**ZONING BOARD OF APPEALS
AND PUBLIC HEARING MINUTES**

September 09, 2014

Council Chambers

Call to Order.

Chairman Bosanac called the meeting to order at 7:00 p.m.

Roll Call:

Present: Commissioner Bill Kipf
Commissioner Sandra May
Commissioner George O'Dell
Commissioner Susan Iott
Chairman Michael Bosanac
Commissioner Bettie Dickerson
Commissioner Ken Miller
Commissioner Kelvin McGhee
Councilman Jeff Hensley

Guests: Eric Chappell, Brandon Burns, Brian Burns, Tim Krueger, Eli Okletas

Staff: Dan Swallow, Director of Community Development
Matt Wallace, City Planner
Denise Palmer, Department Aid

Pledge of Allegiance

Chairman Bosanac led the pledge.

Minutes & Agenda

A motion was made by Commissioner Miller and supported by Commissioner Kipf to approve tonight's agenda and minutes of the August 12, 2014 meeting.

Motion carried unanimously.

New Business

A. Case #ZBA 14-009– 1008 E. First Street. – Assessor's Parcel #49-01101-000.

Owner: **Brandon Burns**

The applicant is seeking a variance of § 720-105, Nonconforming Uses of Structures and Land (Monroe Code), to allow use of a structure as a three (3) unit residential dwelling. The subject parcel is zoned R-1B, Single Family Residential.

Dan Swallow explained the reason the applicant was back before the board.

The two approaches that can be taken in determining the appeal.

Motion by Commissioner Kipf to hear the entire case. Supported by Commissioner Miller.

Motion carried unanimously.

Staff Report

The staff analysis was read into the record by Ms. Palmer.

Applicant Comments

Eric Chappell legal counsel representing Brandon Burns gave a synopsis on information he presented to the board for review.

Discussion was held pertaining to the time frame from which the property changed hands. The time periods when the property was a two unit, to a three unit use.

Commissioner Kipf questioned if the appellants check zoning on properties before they are purchased. Discussion was held.

Brandon Burns asked the board to consider all aspects in their decision

Public Hearing

Chairman Bosanac opened the public hearing.

A letter was read into the record by Ms. Palmer, from Charles & Nancy Hall, 111 Kentucky Ave.

Mr. Chappell discussed the letter read into the record.

With no one else wishing to speak Chairman Bosanac closed the public hearing.

Board Discussion

Commissioner Kipf brought up the issue of parking for a three unit apartment.

Brandon Burns stated there were no issues with parking the last time it was approved as a three unit dwelling.

Discussion was held on parking.

Commissioner Iott discussed the Assessing standpoint, based on her knowledge as an Assessor through the State of Michigan.

Chairman Bosanac discussed the mixed uses in the neighborhood. Parking and lack of parking was discussed.

Dan Swallow explained the two actions the board can take. One is the review of the Building Official's decision. The second is a use variance. Mr. Swallow read the definition of a use variance and standards to the board.

Discussion was held.

Commission Action

Commissioner Kipf made a motion that the Board accepts the decision of the Building Official as originally stated. Supported by Commissioner McGhee. Discussion Held.

Motion carried 8 to 1.

Commissioner Kipf made a motion to allow the building to be used as a Continuance of the previous use as long as they can comply with the Requirements for off street parking. Supported by Commissioner May. Discussion Held.

Motion failed 5 to 4. (6 needed to pass).

Commissioner Kipf made a motion to grant the use variance with one (1) Off street parking space per unit. Supported by Commissioner May.

Motion carried 6 to 3.

B. Case # ZBA 14-010- 800 Ternes Dr. - Parcel # 59-01909-032

Owner: Fedco Real Estate Holdings LLC.

Request from Virgil Krueger & Sons on behalf of Fedco Real Estate Holdings, Seeking an eight (8) foot variance of § 720-174 C, (1). General Sign Regulations (Monroe Code), which requires a ten (10) foot setback for Monument signs.

Staff Report

The staff analysis was read into the record by Ms. Palmer.

Applicant Comments

Eli Okletas on behalf of Fedco explained the expansion and renovations that have been made to the facility to bring it up to a state of the art facility for their workers. The expansion more than doubled the size of the operation. The company has hired an additional twenty five people over the last year. The commitment to make the facility as attractive as possible, the effort put into the landscaping that exceeded the requirements.

Discussion was held.

Public Hearing

Chairman Bosanac opened the public hearing.

With no one wishing to speak Chairman Bosanac closed the public hearing.

Board Discussion

Commissioner Kipf complimented Fedco on their landscaping and building. The site looks very nice.

Commission Action

Commissioner Kipf made a motion to move the sign two (2) feet closer to the flagpole to decrease the amount of footage for the variance to six (6 feet). Support by Commissioner Miller.

Motion carried unanimously

Old Business

Commissioner Kipf stated he would like the sign ordinance to be the same On Telegraph Road from City line to City line.

Commissioner Miller stated they are in the process of going through the sign Ordinance.

Communications

Ms Palmer notified the board of one case to be heard at the November meeting.

Public Comment

None

Board Comments

None

Adjournment

With no one else wishing to comment Chairman Bosanac asked for a motion to adjourn.

Motion to adjourn by Commissioner O'Dell, Support by Commissioner Miller.

Motion carried unanimously

The meeting was adjourned at 9:00 p.m.