

**ZONING BOARD OF APPEALS
MEETING MINUTES
July 24, 2013
CITY COUNCIL CHAMBER
7:00 P.M.**

1. CALL TO ORDER

The meeting was called to order at 7:05 p.m.

II. ROLL CALL

Present: J. Bailey, T. Roach, M. Shecket, A. Bedogne

Absent: R. Johnson (excused) G. Udoji (excused)

Staff: B. Wessler, Planner I
N. Schuette, Executive Secretary

III. APPROVAL OF MINUTES – June 24, 2013

Commissioner Shecket moved to approve the minutes of June 24, 2013 as read (Support: T. Roach) and the motion carried unanimously.

IV. AGENDA CHANGE

Commissioner Shecket moved amend the agenda switching the two requests for dimensional variance (Support: T. Roach) and carried unanimously.

V. PURPOSE OF MEETING

Chairman Bailey stated that the purpose of the meeting is to request from the city a variance from the zoning ordinance.

VI. OLD BUSINESS

None

VII. NEW BUSINESS

1. 615 E. Michigan

Ms. Wessler stated that this is a request for approval of a dimensional variance to permit construction of an addition along existing building envelope 15' from rear property line; Entry Overlay requirements are 35'. The parcel is approximately one acre in size,

fronting on Michigan Avenue and backing on to an active rail right-of-way. There are three existing buildings and parking lot. The applicant is working to complete a project that began in 2009 and still has an outstanding item of a dumpster enclosure location, which will be addressed and relocated regardless of the outcome of this project. The planned expansion will join the two existing buildings and have a footprint of approximately 2,400 sq. ft and will contain an improved and expanded office, central reception area and laundry area in line with more modern facilities.

Ms. Wessler reviewed the land use and zoning of surrounding area as well as the standards for all variance requests.

Staff is recommending denial of the request to construct an expansion into the rear yard setback as defined in Sec 122-559(3) with the following findings – that such a variance is not necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district under the terms of the zoning, and denial of this variance does not preclude the applicant's ability to continue operation of a hotel on this site.

Commissioner Shecket asked if there were any other properties on that corridor with similar issues and Ms. Wessler responded that the Entry Overlay district goes along E. Michigan and West Michigan a portion of South Huron and Washtenaw Avenue. A lot of the buildings in those areas were built prior to the existence of the entry overlay district and many of them are built in that 35' rear setback. These buildings are totally non-conforming. She does not believe there have been any expansions that have encroached on the 35' setback. Some discussion was held on the slope going down to the railroad.

Commissioner Shecket moved to open the public portion of the hearing (Support: A. Bedogne) and the motion carried unanimously.

K. Singh – owner of the property was in attendance and accompanied by his Project Engineer, Hakim Shakir. Mr. Shakir stated that the proposed addition will join the north and west of the existing building but cannot meet the setback requirements. He continued by adding that many improvements had been made in the past and this request by the owner is to make the property more modern with a defined office space, ultimately bringing business to the city. An overhead presentation was made of the site in question.

A number of questions were asked by board members of Mr. Shakir, who responded in detail. After further discussion, Commissioner Shecket moved to approve the variance to permit construction of an expansion into the rear yard setback defined in Sec. 122-94 with the following findings:

1. The variance meets the standard generally of Sec 122-94(b), Sections 1, 3, 4, 5, 6 and 7, and in particular it meets Section 2 because the uniqueness of the particular property does not cause a variance to be conferred upon the applicant with a special privilege that is denied to other land, structures, or buildings in the same district.

The motion was supported by Commissioner Roach and carried unanimously.

2. Towner House, 303 N. Huron

Ms. Wessler gave a presentation stating that the property is owned by the First Presbyterian Church and is a historical structure. The Towner House Foundation is proposing to buy the house and restore it. Although the structure does sit on an existing lot, the church does not want to sell the entire lot, keeping a part of the lot for future use. The applicant is requesting a dimensional variance to permit a lot to be created with a smaller rear setback than required in this district. The applicant is proposing a rear yard of approximately ten feet, instead of a 35 ft setback. Staff is recommending denial as the applicant has not shown sufficient practical difficulty under the standards of the ordinance; such a variance is not necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district under the terms of the zoning ordinance and the loss of a variance will not result in substantial justice being done given the conditions spelled out in the ordinance.

Some questions were asked by board and answered by staff.

Commissioner Shecket moved to open the public portion of the hearing (Support: A. Bedogne) and the motion carried unanimously.

Mark Namatevs, 619 E. Forest – stated that he is a member of the Towner House Foundation and is also a former member of the Historic District Commission and is a current member of the church. The main purpose of purchasing the property from the church is to make it more accessible for grants and restoration making the property more usable. It has no pastoral value to the church and would be owned by the Towner House Foundation.

After much discussion and questions by the board, Commissioner Roach moved to close the public portion of the hearing (Support: M. Shecket).

Commissioner Shecket moved for a five minute recess (Support: A. Bedogne) and the motion carried unanimously.

Commissioner Bedogne moved to resume the meeting (Support: M. Shecket) and the motion carried unanimously.

Commissioner Roach moved to approve the variance based on the following findings:

1. The literal enforcement will pose practical difficulty due to extraordinary historic significance.
2. The property, structure and lot predate the zoning ordinance.
3. Granting of the variance will not be detrimental to the public welfare
4. The allowance of the variance will result in substantial justice being done.

The motion was supported by Commissioner Bedogne and carried unanimously.

VII. ADJOURNMENT

Since there was no further business, Commissioner Shecket moved to adjourn the meeting (Support: A. Bedogne) and the motion carried unanimously. The meeting adjourned at 8:20 p.m.