

**ZONING BOARD OF APPEALS
MEETING MINUTES
June 28, 2017
CITY COUNCIL CHAMBER
7:00 P.M.**

1. CALL TO ORDER

The meeting was called to order at 7:00 pm.

II. ROLL CALL

Present: J. Bailey, J. Albers, J. Talaga, C. Garcia

Absent: H. Khan (excused) T. Roach (excused)

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

Chairman Bailey welcomed a new member, Jennifer Symanns, to the board.

III. APPROVAL OF MINUTES

Commissioner Albers moved to approve the minutes of October 26, 2017 (Support: G. Garcia) and the motion carried unanimously.

IV. PURPOSE OF MEETING

Chairman Bailey stated the purpose of the meeting.

V. OLD BUSINESS

None

VI. NEW BUSINESS

1. Chairman Bailey moved to appoint Commissioner Albers to the Chair (Support G. Garcia) and the motion carried unanimously. Commissioner Bailey moved to appoint Commission Garcia as Vice-Chair (Support: J. Albers) and the motion carried unanimously.

2. Variance Request for parking - 400 N. River

City Planner, Bonnie Wessler, presented the staff report on this variance request stating that the applicant is requesting a parking variance from the 244 required per ordinance. The property is a corner lot to the northeast of the intersection of N. River and E. Cross, 0.47 acres with frontage on N. River. There is an existing 12,000 sq. ft. partial structure on site. A fire in 2009 gutted most of the commercial structure and it has sat vacant since that time. The lot to the east, formerly 107. E. Cross, held a house that was torn down after a structure fire. This lot was combined with 400 N. River in 2015 and was rezoned to Center in 2016, which allowed the vacant area of this lot to be able to serve the structure. This parcel was previously part of an active Planned Unit Development (PUD) project but has been inactive for some time and has since expired.

The applicant is proposing a mixed use for the building. The ground floor will be a bar and a sit-down restaurant with 20 apartments on the upper floors. Zoned C-Center, permits by right, a bar/lounge, sit-down restaurant and apartments located above the ground floor of permitted residential uses.

The applicant is requesting a variance from the amount of parking required on site. Twenty-three spaces are proposed for the parking lot to the east of structure, including one ADA compliant space.

Ms. Wessler reviewed the standards for variances noting that practical difficulty is found for additional parking on the site due to the existing historic structure occupying more than half the available area on the site; the variance is necessary for preservation of property enjoyed by other property owners in the same district; most restaurants in the Center district, including the Downtown and Depot Town areas do not have sufficient parking per the standards of Sec 122-836; alleged practical difficulties have not been created by any person presently having an interest in the property; granting of the variance will not be detrimental to the public welfare and the development of this property will have a positive impact to the neighborhood. The allowance of the variance will result in substantial justice being done, considering the other restaurants that exist in the Center district with little or no parking.

Staff recommends the Zoning Board of Appeals approve the variance request to permit less parking than required at 400 N. River as submitted on the March 21, 2017 plans, with findings as listed.

Commissioner Albers moved to open the public portion of the hearing (Support: J. Symanns) and the motion carried unanimously.

Robert Wagner – Midwest Consulting, 3815 Plaza Drive, Ann Arbor – was in attendance representing the applicant. Mr. Wagner stated that they had received approval for this project from the Planning Department. They did the calculations on the 20 apartments and commercial. While he noted that the requirements were for 244 parking spaces, they can only fit 23, which included a

barrier-free space on River at the northwest corner of the site, hence the need for the variance. The owner is not providing spaces for employees, however, he will offer them bus passes if required but otherwise they would have to use public parking, i.e. Maple Street.

Sam Jones-Darling, EMU Campus apartments – Is in favor of this project, however, he is asking about the possibility of having the bus stop moved closer for residents. He also feels that the developer should increase parking for disability – not sufficient. Supports the variance request but would like it contingent on increase parking for disability.

Tom Tipley, 213 E. Cross – supports the project. There is always parking at Frog Island – feels this is an important project for the vitality of the Depot Town area – referred to the opening of Cultivate and the number of people it brings to Depot Town.

Michael Gelletly, 921 Sheridan – owns house next door to Thompson Block. He likes the drawing of the proposed project. There is not enough parking in the area. He is happy they have residential parking but there are three more houses on that block, which means 11 more units, each with a car each who also need to park. The first block of N. River might have to be made residential parking in time. Has no problem with handicapped space. He has no problem with the bus stop.

Ms. Gelletly, 921 Sheridan – her building is right next to Thompson Block and does not have any parking – the resident is using the end of the closed alley, and anyone else has to park on the street.

Commissioner Albers moved to close the public portion of the hearing (Support: J. Symanns) and the motion carried unanimously.

Commissioner Albers asked staff where the nearest bus stop was located in relation to the building, to which Ms. Wessler responded that it was located across the tracks east of Aubrees. Commissioner Symanns asked the number of proposed employees. Mr. Wagner responded that he did not have that information. Chairman Bailey asked the number of businesses to be located on the property, to which Mr. Wagner responded that there will be two businesses. Commissioner Talaga recommended that sometime in the future a traffic study should be considered. Ms. Wessler responded that currently parking in Depot Town is free and not time limited but agreed that a study is warranted and is something that will be considered in the future. Chairman Bailey asked the proposed opening date of the businesses and Mr. Wagner responded that they will be starting in August of this year and plan to open sometime in 2018. Commissioner Symanns suggested the possibility of some kind of signage showing the various parking areas

Commissioner Albers moved that the Zoning Board of Appeals approve the variance request to permit less parking than required at 400 N. River as submitted on the March 21, 2017 plans, with the following findings:

1. The applicant has shown sufficient practical difficulty under Sec 122-94(b)(1).
2. Such a variance is 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, per the standards of Sec 122-94(2).
3. The practical difficulty being proposed is not self-created, per Sec 122-94(3).
4. the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located, per Sec 122-94(4).
5. The allowance of the variance will result in substantial justice being done, given the conditions spelled out in Sec 122-94(b)(5).
6. Denial of this variance will hinder the applicant's ability to develop the site.

VII. ADJOURNMENT

Since there was no further business, Commissioner Albers moved to adjourn the meeting (Support: J. Symanns and the motion carried unanimously.

The meeting adjourned at 7:48 p.m.