

**ZONING BOARD OF APPEALS
MEETING MINUTES
AUGUST 22, 2018
CITY COUNCIL CHAMBERS
7:00 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:19 pm.

II. ROLL CALL

Present: J. Albers, C. Garcia, H. Khan, J. Symanns

Absent: J. Talaga (excused)

Staff: C. Kochanek, Preservation Planner
B. Wessler, City Planner

III. APPROVAL OF MINUTES

Commissioner Garcia moved to approve the minutes of June 27, 2018 (Support: J. Symanns) and the motion carried unanimously.

IV. PURPOSE OF MEETING

Chairman Albers stated the purpose of the meeting.

Commissioner Symanns moved to amend the agenda to move the elections to the end of the meeting and to flip the order of the new business to bring 2 N Normal before 539-569 S Huron (Support: H. Khan) and the motion carried unanimously.

V. NEW BUSINESS

1. 2 N Normal – Variance

Staff report was presented by B. Wessler, City Planner, who stated that this is a request for approval of a variance from the parking requirements. They are seeking to maintain their one existing parking space in the front yard. 2 N Normal is currently a 3 unit house in a former single family house at the corner of Congress and N Normal. They experienced a fire earlier on this year and are reconstructing a unit. As part of the reconstruction, the applicant is planning to expand the unit which triggers a special use permit application and that means that they need to come up to today's standards. In so doing, they found that their parking is insufficient under the current zoning ordinance

which requires 5 parking spaces. Due to the topography on the site and how it is laid out, there is not any room for additional parking on the site. Staff has reviewed the application against the standards of Sec. 122-370 and supports the application for a variance.

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

Vincent Zhang, owner of 2 N Normal – stated that in April they had a fire in the top unit. That unit has a balcony and that the balcony was an issue for storing trash and smoking and that is what caused the fire. Stated that they want to enclose the balcony during the remodel and that it would add square footage to the kitchen. They are not planning on adding any bedrooms or bringing in any additional tenants. He applied for a special use that was approved last week and he is following that up with this variance.

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

Commissioner Symanns stated that this seemed pretty clear cut to her. Commissioners Khan and Garcia agreed.

Commissioner Symanns moved that the Zoning Board of Appeals approve the variance requests from Sec. 122-683 (off street parking construction), 684 (parking landscaping), and 691 (parking quantity) to permit the existing single parking space in the front yard to remain at 2 N Normal, with the following findings per Sec. 122-370(b):

- (1) Literal enforcement of this chapter will pose practical difficulties to the applicant because of the grading of the lot and the footprint of the existing building.
- (2) Such variance is necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district; several other properties owners in the CN-Mid district of the north side of the 900 block of West Cross have the ability to park in their front yards due to a historical set of variances.
- (3) The practical difficulties on which the variance request is based have not been created by any person presently having an interest in the property.
- (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.
- (5) The allowance of the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the individual hardships that will be suffered by a failure of the Zoning Board of Appeals to grant the variance, and the rights of others whose property would be affected by the allowance of the variance.
- (6) This variance is the minimum variance that will make possible a reasonable use of the land, buildings, or structure.

The motion was supported by Commissioner Garcia and carried unanimously with a 4:0 vote.

2. **539-569 S Huron - Variance**

Staff report was presented by B. Wessler, City Planner, who stated that the applicant had applied for variances from frontage buildout and private frontages. The applicant has very recently changed architects and has now hit the required frontage buildout by 0.2%, they are now at 50.2% so that variance is no longer needed. The design standards for the commercial frontage (private frontages), this includes the space between the windows, the amount of glass and the maximum from which the windows can be from the grade.

Staff did recommend approval under the previous design, due to the challenging nature of the site. The area in which this building is located is in the S. Huron and I-94 corridor in an area that is not known for its walkability. The applicant has made great strides in trying to make a plan for this site which conforms with the intent of the zoning ordinance.

Commissioner Garcia moved to open the public portion of the hearing (Support: H. Khan) and the motion carried unanimously.

Dennis Cowan, attorney with Plunkett Cooney, 38505 Woodward, Bloomfield Hills, MI – stated that it is a difficult, irregular lot and that his client has been trying to do the right thing. The requests that they are making are really more textual. Stated that the client wants to make a firm commitment that they will be in the community for a long time.

David McDade, Roark Galt Architects, 10166 N Linden, Clio – stated that there are stipulations with the requirements for the amount of glass from the MI Energy Code but that he was able to raise the amount of glass from 31% to 41%. He does meet the 2 foot height from grade requirements on the three windows on the right. The others he has brought down to 2' 8", which is lower than it was before. The entry is also closer at 5' 6". Stated that he is not sure how the building could still meet the 60% transparency and still comply with the MI Energy Code. Stated that he has done as much as he can to meet the code.

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

Commissioner Symanns asked staff to confirm where the deficiencies in the private frontages are. Staff revisited the requirements and where the new plans were at. Further discussion was had on what the master plan requires for walkability.

Commissioner Garcia moved that they follow staff's recommendation to approve the variance request from Sec. 122-477- Private Frontages for the Patient Station New Build at 539-569 S Huron, with the following findings per Sec. 122-370(b):

- (1) Literal enforcement of this chapter will pose practical difficulties to the applicant because of the curved front of the lot.
- (2) Such variance is necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district; this is a new requirement and this is the first entirely new construction proposal put forth in this district with this building type, on a challenging lot.
- (3) The practical difficulties on which the variance request is based have not been created by any person presently having an interest in the property.
- (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.
- (5) The allowance of the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the individual hardships that will be suffered by a failure of the Zoning Board of Appeals to grant the variance, and the rights of others whose property would be affected by the allowance of the variance.
- (6) This variance is the minimum variance that will make possible a reasonable use of the land, buildings, or structure for the plans dated 8/17/18, which are the updated plans.

The motion was supported by Commissioner Khan and carried unanimously 4:0.

VI. OLD BUSINESS

Elections

A discussion was held on the election of officers. It was moved that Jake Albers and Cisco Garcia continue on in their respective roles as chair and vice-chair and supported unanimously.

VII. ADJOURNMENT

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

The meeting was adjourned at 7:45 pm.