

OFFICIAL PROCEEDINGS
OF THE
PLANNING-CITIZEN ADVISORY COMMISSION
CITY OF LOWELL, MICHIGAN

For the Regular Meeting of the Planning-Citizen Advisory Commission on Tuesday, May 26, 2009 at 7:00 p.m.

The Meeting was called to order at 7:00 p.m. by Chair Folsom and the Clerk called the Roll.

Present: Commissioners Doyle, Jahnke, LaPonsie, Schrauben and Chair Folsom.

Absent: Commissioner Noall.

Also Present: City Manager Pasquale, City Clerk Morlock, DPW Director DesJarden, Mayor Jim Hodges, Building Inspector Doug Hopkins, Councilmember Jeff Altoft and Water Distribution Supervisor Bob Robinson.

IT WAS MOVED BY LAPONSIE and seconded by JAHNKE to excuse the absence of Commissioner Noall.

YEA: 5. NAY: 0. ABSENT: 1. MOTION CARRIED.

IT WAS MOVED BY LAPONSIE and supported by DOYLE to approve the minutes of the regular meeting of April 27, 2009 as written.

YEA: 5. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #1. **APPROVAL OF AGENDA.**

IT WAS MOVED BY JAHNKE and seconded by LAPONSIE to approve the agenda as amended.

YEA: 5. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #2. **PUBLIC HEARING.** NONE

Item #3. NEW BUSINESS

A. Site Plan review – none

B. Variances – Recommendations to the Zoning Board of Appeals

1. 430 N. Monroe (southwest corner of N. Monroe and North Streets) – Dan Phillips – setback variance to accommodate an enclosed porch. Dan Phillips wishes to construct an enclosed porch from his home located at the corner of North Monroe and North Streets. He is requesting a side yard variance as the ordinance states the side yard needs to be 15 feet away from the curb. He believed the house was built before the road was constructed.

Phillips explained there is no foyer or mudroom. The entryway is only a 3 X 3 1/2 foot area before the stairway which creates a safety hazard.

Building Inspector Doug Hopkins noted the porch itself can intrude within 10 feet of the front yard. However, once a roof is placed, it must meet the requirements of the front yard setback. Phillips is requesting a 10 foot variance. However, only a 5 foot variance is necessary because it is within a secondary front yard.

Pasquale stated Phillips has a corner lot. He has two front yards with a front yard on Monroe and one on North Street. Since the narrowest lot width is on Monroe, this is considered the principal front yard. A 30 foot setback is needed for this zoning district. North Street becomes the secondary front yard and a 15 foot setback is necessary. However, because of the configuration of the house, it is still tight.

Commissioner Doyle asked if the cement stoop was the size he wanted for the porch. Phillips responded yes.

Commissioner Jahnke clarified it is not the distance to the road which needs to be considered, but rather the property line.

The Commission reviewed the following criteria:

- That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district. By a vote of 4 to 1, the Commissioners believed this condition had been met. Commissioner Jahnke did not feel this property was any different than others in the area.
- That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. By general consensus, the condition was met.
- That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance. By a vote of 4 to 1, the Commission believed the condition had been met.
- The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood. By general consensus, the Commission believed this condition had been met.
- The variance will not impair the intent and purpose of this Ordinance. By a vote of 4 to 1, the Commission believed this condition had been met.

- That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant. By a vote of 3 to 2, the Commission believed this condition had been met.

IT WAS MOVED BY DOYLE and seconded by SCHRAUBEN to recommend to the Zoning Board of Appeals approval of the five foot secondary front yard variance request at 430 N. Monroe to accommodate an enclosed porch.

YEA: 4. NAY: 1. (Jahnke) ABSENT: 1. MOTION CARRIED.

2. 925 W. Main – Self Serve Lumber – Sign Variance. Kurt Schwannecke of Self Serve Lumber explained this is a family owned business based out of Saginaw.

According to the sign ordinance, a freestanding sign in the General Business District is limited to one hundred (100) square feet in the area per sign. The current sign is one hundred twenty-eight (128) square feet. There is also a 4 x 8 reader board. He wishes to use the sign as is.

City Clerk Morlock read a letter into record from Calvary Christian Reformed Church which indicated they were in favor of the sign variance.

Commissioner LaPonsie asked why the sign was not grandfathered. City Manager Pasquale explained Section 20.08 states a free standing sign in the General Business District is limited to 100 square feet. If Self Serve would have arrived within 90 days of Stock leaving, no variance would have been needed. Building Inspector Doug Hopkins referred to Section 20.11 under “Discontinued or Abandonment” Whenever the activity, business or use of a primary business to which a sign is attached or related has been discontinued for a period of 90 days or longer, the sign must be changed and brought into compliance. Pasquale explained when a business is leaving, the sign can still remain. The business which is leaving would ordinarily take the lettering out, but still leave the sign.

Pasquale liked the idea of a reader board because it provides an opportunity for the business to promote sales without having to obtain a permit for a portable sign.

Commissioner Schrauben asked if there were any other signs within the City over 100 square feet. No one was certain.

Greg Canfield of 403 N. Washington encouraged the Planning Commission to grant the variance. This is an unusual situation and it is unfortunate that it was vacant for a few months too long. This is a large piece of property and occupies a lot of space. He did not believe the sign was out of proportion.

Ridgeline owner Matt Garrison of 1021 Lincoln Lake stated he is a contractor assisting Self Serve with the remodeling. He believed this would be great for the community and draw people into the City.

Jay Rickert of Rickert Electric at 208 S. Hudson agreed with Garrison and Canfield. The sign has been there for so long.

Commissioner Jahnke stated he would be in favor of a variance on a time frame allowance for the sign. LaPonsie agreed.

Pasquale stated the variance application will go before the Zoning Board of Appeals. When it is advertised it can state "time duration" rather than considering a variance on the size. Pasquale noted the application can be changed to refer to duration of time. A recommendation can still be made.

Hopkins believed the time duration made sense. Other businesses have had to comply with this requirement. This is a new business, but has remained the same type.

Jahnke suggested setting the variance for two years.

Pasquale noted the Zoning Board of Appeals will meet on June 1, 2009 and hold a public hearing. It is suggested a representative be present.

Steve Doyle of 706 Riverside Drive clarified if a 24 month variance was granted then the variance would stay with the property. Pasquale responded that is correct.

The Commission reviewed the following criteria:

- That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district. By general consensus, the Commissioners believed this condition had been met.
- That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. By general consensus, the Commission believed this condition had been met.
- That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance. By general consensus, the Commissioners believed this condition had been met.
- The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood. By general consensus, the Commission believed this condition had been met.
- The variance will not impair the intent and purpose of this Ordinance. By general consensus, the Commissioner believed this condition had been met.
- That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant. By general consensus, the Commission believed this condition had been met.

IT WAS MOVED BY JAHNKE and seconded by SCHRAUBEN to recommend to the Zoning Board of Appeals approval of the variance application for the free standing sign as submitted by Self Serve Lumber as amended with a 24 month duration.

YEAs: 5. NAYs: 0. ABSENT: 0. MOTION CARRIED.

Item #4. ANY OTHER BUSINESS/ON GOING BUSINESS

- A. Joint signage ordinance with Lowell Charter Township – update – deferred from previous meetings. Commissioner Jahnke stated there has been some discussion on signage with Lowell Township. Another meeting will be held in a few weeks.
- B. Off Street Parking Lighting Section of the Zoning Ordinance – further discussion. Commissioner Jahnke wanted to stop calling this “Off Street Lighting Ordinance” but rather “Outdoor Lighting Ordinance”. Jahnke wanted everyone to review the ordinance over the next month and then possibly make a recommendation. He suggested exempting the Showboat.
- C. Portable, Temporary Garages. Commissioner LaPonsie assembled a package of what she thought was a consensus from the last meeting. Also, there were three areas which she believed were sticking points including the size, hard surfaced drive and whether the permit would be renewed once or indefinitely.

The following recommendations were made:

- Units must have a hard exterior with sides and a door. Soft-sided structures are prohibited.
- Units must be anchored per the manufacturers instructions.
- Temporary garages may have a maximum dimension of 12 x 24 x 11.
- If used to store a motor vehicle, garages must be placed at the end of an existing driveway. If no current drive exists to the structure, a hard surfaced driveway must be installed.
- A permit must be obtained from City Hall before installation. If the individual applying is a tenant, the landlord must also sign.
- Permits shall be issued for a 3 year period. After the period expires, the permit may be renewed 1 time for an additional 3 years.
- If the unit falls into disrepair or is not removed at the end of permit period, the city may remove the structure and charge the cost of labor to the next property tax bill.

Commissioner Schrauben asked if LaPonsie could find any information about the requirements of hard surfaced drives under a car. LaPonsie did not have a chance to research. Building Inspector Doug Hopkins stated the building code requires a garage be a hard surface (cement). LaPonsie questioned if this would change if these were called temporary storages units. Hopkins found nothing in the code that states temporary, permanent or otherwise, if it is a garage.

Bob Robinson stated he originally requested a 14 x 24 temporary garage. He commented on the height of the structure. He would need an 8 foot high door for his van. Robinson suggested the structure be reviewed every three years to ensure it is being maintained.

Chair Folsom considered altering a 12 foot dimension to a 14 foot dimension. He believed width, length and height needed to be included.

Pasquale confirmed this would be for the Residential District only. LaPonsie responded yes. She also noted she would confirm the door height. Hopkins noted a determination needs to be made regarding where the height will be measured.

DesJarden believed it should also include any new driveway into an existing building or resident should be hardsurfaced.

Steve Doyle asked if the temporary building would meet all of the required setbacks. Hopkins stated unless otherwise noted, typically it would have to follow the setbacks for accessory structures for that district. Doyle also suggested that there be no gravel or soft surfaced driveways in the residential zoning.

Pasquale stated City Attorney Richard Wendt would provide this in ordinance form for the next meeting.

D. Joint Planning Commission meeting. Commissioners Jahnke, Noall and Schrauben attended the meeting. Jahnke stated a discussion was held regarding lighting, temporary storage buildings and boulevards.

Item #5. **BUILDING INSPECTOR REPORT.** Commissioner LaPonsie believed there were many variance requests dealing with secondary lot lines in the historic neighborhoods. She was curious to find out the amount. Hopkins explained the ordinance already states if one is within 300 feet of the house and the average setback of homes in the area is met, then it is allowed. The ordinance also refers to corner lots and the house being ten feet from the property line. One can add onto the house as long as another nonconforming issue is not created.

Pasquale confirmed a five foot variance was needed. Phillips responded yes.

Item #6. **PUBLIC COMMENTS.** No comments were received.

Item #7. **COMMISSIONERS COMMENTS.** Commissioner Schrauben wanted the Joint Planning Commission meetings to continue. Another in six months has been suggested. The City of Lowell will host the next joint Planning Commission meeting in six months.

IT WAS MOVED BY LAPONSIE to adjourn at 8:24 p.m.

DATE:

APPROVED:

Douglas L. Folsom, Chairman

Betty R. Morlock, City Clerk