

MINUTES
ZONING BOARD OF APPEALS

October 30, 2019
COUNCIL CHAMBERS, CITY HALL

CALL TO ORDER:

Chairman Elwood Anderson called the Zoning Board of Appeals to order at 5:00 p.m.

ROLL CALL:

Present: Anderson, Bray, Guest, Keller, Lamble, Lewis

Absent: Broers

Chairman Anderson opened the public hearing and explained the procedures for the hearing.

Public Hearing of Case ZBA19-08

Adam Poll, Planning and Development Director presented the variance as follows: Three Rivers Corporation, 3069 Vantage Point Drive, Midland, MI 48642 is applying for two variances on behalf of Mid-Michigan Health, to allow for the construction of a three-story addition to the hospital located at 1501 W. Chisholm Street, with a front yard setback of 105 feet, 15 feet less than required, and a parking setback of five feet, five feet less than required. Article 5.15C and 7.15B

Property Address: 1501 W. Chisholm Street – MidMichigan Health

Notices were sent to all adjoining property owners within 300 feet of the subject property.

To authorize a variance, the board shall find that all of the following conditions are met:

1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship.
2. Strict compliance with the regulations governing area, setbacks, frontage, height bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.

3. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners;
4. The need for the requested variance is not the result of action of the property owner or previous property owners. It is not a self-created problem.
5. That the requested variance will not cause an adverse impact on the surrounding property, property values, or the use and enjoyment of the property in the neighborhood or zoning district and will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Alpena.

CONDITIONS: The Zoning Board of Appeals may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area, as provided for in Section 9.9.

FINDING OF FACT: In granting or denying a variance, the board shall state in a written statement of findings of fact, which you can do verbally, the grounds upon which it justifies the granting of the variance.

Staff evaluation of the five conditions relative to this petition is as follows:

1. The property in question is unique as the lot is a very unusual shape due to the unique and large size. The lot itself is 39 acres with the existing building setback roughly 270 feet from the front property line. The Zoning Ordinance requires a front yard setback of 100 feet for two-story structures and an additional 20 feet for every story above two. The proposed addition is three stories and would be setback 105 feet from the front property line, 15 feet less than required.

In addition, the newly constructed parking lot would be moved closer to the front property line to allow for additional parking. Parking lots are required to be setback ten feet from the property line in the OS-1 Office Service District. The proposed parking would be five feet from the property line.

2. Strict compliance with the regulations could be met by changing the design of the building and configuration of the parking lot.
3. Granting the variances request would appear to provide substantial justice. Island Park is across Chisholm Street, and there are no adjacent neighbors to be affected on this block.

4. The need for the variance was not created by the owners of the hospital. The hospital has recently changed ownership to MidMichigan Health, and they are proposing the expansion to improve patient care at the hospital. They potentially could locate the addition in another location but that could have a negative impact on patient care.
5. The requested variance would not have an adverse impact on the surrounding properties. The hospital owns nearly the entire block along Chisholm Street and across Chisholm Street is the river and a city park.

In granting a variance, the board may attach conditions regarding the location, character and other features of the proposed structure as it may deem reasonable in furtherance of the purpose of this ordinance. In granting a variance, the board shall state the grounds upon which it justifies the granting of said variance.

Staff observations:

Therefore, staff would recommend **approval** of the requested zoning variances. They would appear to meet the five criteria needed for a dimensional variance.

PUBLIC COMMENT:

A Fred Bartlett who was representing the MidMichigan expansion project addressed the board. He said the front of the hospital is designed as a curve and the addition is designed as a curve. He said it is not like the entire building is going across that setback line.

Member Lamble asked Adam Poll if anything is going to be done in terms of traffic control along there. It is getting difficult on left-hand turns.

Adam said that is a State trunk line. It would have to be something that MDOT essentially initiates. Most of the time traffic lights on trunk lines are initiated regarding history of accidents. MDOT has not stipulated any changes. There are some changes for access for egress in this plan although not significant. Perhaps the more significant change in this particular plan, it is linking the parking lot with an existing drive that is not accessible to the parking area right now.

Since no one else wished to speak either for or against this variance, Chairman Anderson closed the public comment portion of the meeting to deliberate for case ZBA19-08.

DISCUSSION BY BOARD MEMBERS:

There was no further discussion by the board members about this case.

Member Lamble made a motion that both variances be granted for the reasons set forth by the city.

Member Lewis seconded the motion.

ROLL:

This vote is to vote on both the front yard setback and a parking setback.

Ayes: Anderson, Bray, Guest, Keller, Lamble, Lewis

Nays: None

The variance for a front yard setback of 105 feet and a parking setback of five feet has been granted.

To authorize a variance, the board shall find that all of the following conditions are met:

1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship.
2. Strict compliance with the regulations governing area, setbacks, frontage, height bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.
3. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners;
4. The need for the requested variance is not the result of action of the property owner or previous property owners. It is not a self-created problem.

5. That the requested variance will not cause an adverse impact on the surrounding property, property values, or the use and enjoyment of the property in the neighborhood or zoning district and will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Alpena.

OLD BUSINESS:

Per Adam Poll there was not any old business.

NEW BUSINESS:

Member Lamble made a motion to approve the minutes from the July 31, 2019 meeting and the September 25, 2019 meeting as printed.

Member Keller seconded the motion.

AYES: All

COMMUNICATIONS:

Adam Poll, City Planner, said he did receive an email from Mr. Gerald Yankie regarding last month's approval of the property at 826 S. State Avenue allowing the second dwelling unit. He did indicate he was going to appeal that decision to Circuit Court. Adam said he has not heard anything since.

ADJOURNMENT:

With no other business to discuss, Chairman Elwood Anderson adjourned the meeting.

Alan Guest, Secretary

Elwood Anderson, Chairman