

VILLAGE OF PINCKNEY
ZONING BOARD OF APPEALS

March 27, 2017

The meeting was called to order by ZBA Chairperson, Linda Lavey, at 7:00 PM.

ROLL CALL:

Present: Foster, Kauserud, Kinczkowski, Menosky, Pais, Vedder and Lavey
Also in attendance: D. Kay-Hougaboom (Zoning), A. Salowitz (Clerk), D. Stoker (Attorney), J. White (Engineer)

AGENDA:

Motion by Foster to accept the agenda as presented; Seconded by Menosky.

Yea: Foster, Kauserud, Kinczkowski, Menosky, Pais, Vedder and Lavey

Nay: None

Motion carried.

PUBLIC FORUM:

Lavey opened at 7:01 PM

K. Burg, 216 Marion St., was confused as to how the Council could act as the ZBA. He was a former ZBA Chair. He always was curious how many members went and looked at the sites. He would not hold a meeting if the members had not visited the site.

Public Forum closed at 7:03 PM

AGENDA:

1. 233 Portage – Requests variances with regard to site development standards

Stoker reviewed the recently adopted rules for procedures for the Zoning Board of Appeals including: Chairperson will call case; Staff Review, Applicant review, Public Participation then Decision.

For the benefit of the new members Mr. Stoker notes that a variance is permission to violate our own Zoning Ordinance for hardship or practical difficulty. A use variance requires a 2/3 vote and a non-use variance requires a simple majority of those present.

Kay-Hougaboom presented the case indicating that the variance for the set-backs for the garage is unique due to its location along the Mill Pond and the structure of the road as currently laid out. To meet our current Zoning Ordinance would not be feasible for applicant.

Applicant, Andrea Piotrowski McCall, noted that they are the last house on the road before the Mill pond and that the structure would have a residential look. The doors facing the road will be finished to match the house. Additionally, due to the road construction the actual driveway moving to match the garage door entry. Old approach will be seeded.

Lavey called for Public Comment on this matter. K. Burg indicated concerns about any compaction that is needed along the Mill pond that may be required by set-backs. He supports this projects.

Discussion about what we will call the center of the road since it isn't centered along the entire roadway.

Motion by Vedder to grant variances with conditions. He resolved that based on the findings of practical difficulties and hardships, the variances of Petitioners allowing a detached garage is hereby granted so the proposed detached garage can be constructed East of the primary residence, but so that it is located within the front yard, being closer to the right of way than the primary residence and with the front yard setback will be not less than 33 feet from the construction centerline to avoid encroaching in the right of way; Seconded by Foster.

Yea: Foster, Kausrud, Kinczkowski, Menosky, Pais, Vedder and Lavey

Nay: None

Motion carried in a roll call vote.

2. Village Hall Parking Lot

Salowitz noted that as indicated in her email to the ZBA this may appear to be the "cart before the horse" as Village Council has not approved any parking lot plan. However, for time and expense it was best to add the agenda item to this ZBA agenda. If the project doesn't move forward the variances become invalid in a year.

Salowitz attempted to review the variances required, including,

- Allow a mix of 9'x20' and 10'x18' parking stalls rather than 10'x20'
- Allow the primary traffic aisle to be 20' rather than 31'
- Allow flexibility in application of the Technical Standards to this site to accommodate existing site constraints.
- Allow the traffic aisle connecting to S Howell to be reconstructed in its approximate current location which varies from 3' to 9' north of the residential zoning to the south.

Vedder asked about the slope of the lot as it was his understanding that we only need one ADA parking space in the lot. White indicated that the slope is currently at 10+%; Technical Standards require no more than 4% and the industry standard is no more than 5%. This is also true for safe pedestrian routes.

Lavey opened Public Comment on this issue. K. Burg urged the ZBA to not sneak around the ADA regulations. There is never enough ADA compliance to meet the need. He used the example of the University of Michigan being sued over its revisions at their stadium.

White noted that as designed the sidewalk on Livingston to the upper level meets accessible routes to the upper level.

Motion by Foster to grant variances with waivers as amended, removing any reference to ADA as a factor for the decision, noting that they are not trying to circumvent the ADA but rather it should not be a primary reason for the variance; Seconded by Menosky.

Yea: Foster, Kauserud, Kinczkowski, Menosky, Pais, and Lavey

Nay: Vedder

Motion carried in a roll call vote.

3. ZBA Meeting Minutes:

Salowitz read minutes from today's meeting. Stoker noted for new members that we approve at this point because an applicant cannot appeal the decision until after the minutes are approved and published.

Motion by Menosky to accept March 27, 2017 meeting minutes as presented; Seconded by Kinczkowski.

Yea: Foster, Kauserud, Kinczkowski, Menosky, Pais, Vedder and Lavey

Nay: None

Motion carried in a roll call vote.

Public Forum

Lavey opened at 8:06pm .

K. Burg noted that the lights have been out on the Village Hall porch and it is difficult to read minutes.

He added that he hopes the parking lot discussion is not holding up the Portage Street project.

Public Forum closed at 8:08pm.

Meeting adjourned at 8:08PM.

Approval Date _____

Respectfully Submitted,

Amy Salowitz, CMMC

Village Clerk

Linda E. Lavey

ZBA Chairperson