

**ESCANABA ZONING BOARD OF APPEALS
ROOM C101, CITY HALL, ESCANABA, MI
September 1, 2015**

A meeting of the Escanaba Zoning Board of Appeals was held on Tuesday, September 1, 2015, at 6:00 p.m. at the City Hall, 410 Ludington Street, Escanaba, MI 49829.

PRESENT: Chairman Jon Liss, Vice Chairperson Nathan Gauss, Member Dennis Renken, Member Mark Hannemann, Member Judy LaCosse, Code Official Blaine DeGrave, Executive Assistant Buffy Smith, City Manager Jim O'Toole, and President of PK Development Pete Potterpin.

ABSENT: Member Joe Klem

Meeting called to order at 6:00 p.m. by Chairman Jon Liss

ROLL CALL

Executive Assistant Buffy Smith conducted the roll call.

APPROVAL/CORRECTION OF THE AUGUST 25, 2015 BOARD OF APPEALS MINUTES

A motion was made by Vice Chairperson Gauss, seconded by Member Hanneman, to approve the August 25, 2015 Meeting Minutes as submitted. Ayes were unanimous.

APPROVAL/ADJUSTMENTS TO THE AGENDA

None.

CONFLICT OF INTEREST DECLARATIONS

None.

UNFINISHED BUSINESS

None.

PUBLIC HEARING

617 and 623 Ludington Street/608 and 630 1st Avenue South – Dimensional Parking Variance – Zoning Ordinance

A hearing on a request from PK Development Group, LLC, for a dimensional variance to Section 1702 Parking Space Requirements and Table 1702 of the Escanaba Zoning Ordinance. The PK Development Group, LLC is requesting a dimensional variance be granted, which would allow them to reduce the number of required and combined off street parking spaces from 74 spaces to 51 for a proposed mixed use commercial and 37 unit affordable housing project.

Blaine DeGrave gave the following staff overview of the request:

The City of Escanaba Zoning Ordinance, Section 1702.1 (Table 1702) requires two (2) off street parking spaces per each dwelling unit. Because the existing building footprint occupies most of the property, the developer is requesting a dimensional variance on parking requirements be approved due to what the developer perceives to be a practical difficulty in that they believe there are circumstances which are beyond their control and that a practical difficulty exists at the property because of exceptional and/or extraordinary circumstances and physical limitations due to the existing building density and the historical lack of existing off street parking for a similar existing use.

Section 1701.3.1. Required Parking of the Escanaba Zoning Ordinance mandates off street parking in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces.

Section 1701.3.2. Remodeling/Rebuilding of the Escanaba Zoning Ordinance states that no additional parking spaces need be provided when remodeling or rebuilding of structures, provided usable for area of existing all buildings existing within all districts excepting districts "A," "B," and "C", when remodeling or rebuilding of structures, provided the usable floor area of existing structures on such site is not increased in the remodeling or rebuilding. Where floor area is increased, parking space must be provided for such increased floor area in accordance with the provisions of the Zoning Ordinance. With this project comes a change of use in that the buildings located on Ludington Street originally contained former uses such as a bank, retail space, office space and lodge. The property on 1st. Avenue South was used as a warehouse (which has recently been demolished) and a single family home. Under the concept of the project the properties would be remodeled and rebuilt with approximately 4,500 square feet of commercial space and thirty seven (37) affordable dwelling units. Historically there has been no off street parking provided for at the two building on Ludington Street. The property located at 630 1st. Avenue South which a warehouse was located upon occupied the entire property. The property located at 608 1st. Avenue South is a single family dwelling and adequate parking was/is present.

Because this project is a change of use, Section 1701.3.3. Change of Use of the Escanaba Zoning Ordinance states that whenever the use of an existing building is changed to a category or classification which requires more parking than the former established use, the additional demand for parking spaces created by the use change shall be provided for. Also whenever a business use is changed to a residential use, the minimum on-site parking requirements shall be provided.

Blaine DeGrave offered the following proposed findings:

1. Clean Green Energy, LLC is the owner of record for the property of 617 and 623 Ludington Street. Todd Caron is the owner of record for 630 1st. Avenue South. Theresa Brown is the owner of record for 608 1st. Avenue South. In accordance with the requirements of Section 304.1.7 of the Zoning Ordinance, the property owners have given the PK Development Group, LLC authorization to act on their behalf in obtaining a dimensional zoning variance for a potential project.
2. In accordance with Section 304.1.4 Advertisements of the Zoning Ordinance, all fee and notification requirements of the Zoning Ordinance have been accommodated for. Meeting notices were placed in the Escanaba Daily Press (August 27, 2015) indicating the nature of the appeal and the date of the hearing between seven (7) and twenty (20) days before the hearing date. Letter notices were sent out to all property owners within 400 feet of the property indicating the nature of the appeal and the date of the hearing on August 27, 2015).

A meeting notice was also placed on the City Website and on the City Facebook page on August 27, 2015.

3. A dimensional variance on parking is required to be approved before the request for site plan review can be brought before the Escanaba Planning Commission at a later date (tentatively scheduled for September 10, 2015). The Planning Commission will be responsible for performing a site plan review which is intended to ensure developments are designed to integrate well with adjacent developments, minimize nuisance impacts on adjoining parcels, ensure safe and functional traffic access and parking and minimize impacts on sensitive environmental resources.
4. On August 10, 2015 the PK Development Group, LLC filed a Zoning Board of Appeals Application. In the application the developer was asked to answer the following questions:

- (1) **(Q) Could you describe the reason(s) for requesting a variance from zoning ordinance requirements?** *(A) We are requesting a variance to allow for the redevelopment of the property into a vibrant, walkable community which will provide affordable workforce housing and retail options for downtown residents and visitors. The project will contain 37 apartment units (13 2-bedroom units and 24 1-bedroom units for a total of 50 bedrooms) and 3 retail storefronts. The current site plan proposes 51 total parking spaces which will entirely be available for residents of the apartment units (one space per bedroom). There is ample street parking available along 7th and Ludington streets, which will be available for customers and employees of the retail businesses. The current parking requirements will not allow for the kind of density needed to allow the project to be financially feasible, which is why a variance is being requested. The project will result in the substantial renovation of two (2) vacant, historic downtown structures and put these great buildings back into productive use.*
- (2) **(Q) Describe why the problem is not self-created.** *(A) The problem is not self-created, as the property is simply not large enough to contain enough parking spaces that the development will require. We have used best efforts to obtain as much property as we can to create as much parking as possible. Our original plan did not include 608 1st Avenue South, but through conversations with the City of Escanaba we recognized that more parking would be needed, and so we also obtained an option to buy property and add it to the parking lot.*
- (3) **(Q) Describe any negative impact to the adjacent parcel(s) that may result from granting of a variance.** *(A) No negative impact will result on the adjacent parcels. If anything, the adjacent property owners will receive an increase in their property values due to the additional downtown development. There will also be more residents living downtown who will*

work and shop at the various adjacent retail stores. The entire space will be upgraded, enhanced, and landscaped to provide a more vibrant space.

(4) (Q) Does the property possess unique characteristics (not common to the general area)? *(A) The property is unique in that it contains two (2) large historic structures. The property at 630 1st Avenue South was also a blighted warehouse structure that was demolished recently. This development project will bring these buildings and parcels back into productive use.*

5. Within the existing Downtown Development Authority Master Plan (2011), community members were asked to rate the importance of community recommended goals as obtained through a community survey and planning charrette. Each goal was prioritized and numerically rated as “Mandatory”, “Necessary”, or “Desired”. Currently a goal exists, which calls for the creation of an upper story residential redevelopment program. This goal was prioritized as “Desired” with 53.8% of the vote. Lastly, the Community Master Plan (2006) addresses a need for additional housing, particularly apartment, condo, and senior housing. The Master Plan speaks of the increased desire for housing that is part of mixed use and suitable for younger people starting out or senior who are ready to give up the responsibilities of owning a home.
6. In addition to the Downtown Development Authority Master Plan, the Downtown Development Authority created a “Downtown Development Authority 2020 Vision” in 2000. The purpose of the visioning plan was to have a strategy for implementing and coordinating the vision plan once opportunities arise. Within that plan there is a recommended direction under vision themes that the Escanaba Downtown Development Authority works to enhance conditions that will allow higher density residential developments such as condominiums and townhouses. A recommendation also exists to create a redevelopment plan to define potential reuses of building space and building improvement plans that will encourage reinvestment into the properties through Obsolete Property Rehabilitation and similar programs. There is also a goal to plan and initiate funding programs that facilitate improvements to facades of downtown businesses and provide for architectural and landscape guidelines for improvement. There is also a goal in the 2020 Vision Plan to improve parking downtown by enhancing the existing downtown parking lots and promoting shared parking.
7. In 2012, the City of Escanaba applied to the United States Department of the Interior – National Park Service, to have the entire downtown placed on the National Register of Historic Places. On April 21, 2014 the City of Escanaba was notified by the National Park Service that the City of Escanaba downtown was awarded a historical designation and registered on the National Register of Historic Places. In the City of Escanaba filing a report was completed which inventoried all building uses in downtown Escanaba to include the property located at 617 and 623 Ludington Street.
8. Historically the existing property and use has no existing off street parking spaces for the former uses of banking, retail space, office space and a private lodge. In the past all parking was provided on publically owned right of way.
9. On June 23, 2015 the Escanaba Downtown Development Authority conducted a study session to begin discussing the need to update zoning parking specifications and requirements within the Downtown Development District. That discussion and work is

ongoing and will be addressed in the completion of the upcoming Community Master Plan update.

10. On June 30, 2015, the developer appeared before the Escanaba Historical Commission to pitch and review the project concept. The Escanaba Historical Commission recommended the project be advanced for further consideration by the Escanaba City Council, Zoning Board of Appeals, and Escanaba Planning Commission.
11. On July 1, 2015, the developer appeared before the Escanaba Downtown Development Authority to pitch and review the project concept. The Escanaba Downtown Development Authority recommended the project be advanced for further consideration by the Escanaba City Council and Escanaba Planning Commission.
12. On July 16, 2015, the developer appeared before the Escanaba City Council to pitch and review the project concept. The Escanaba City Council recommended the project be advanced to the Zoning Board of Appeals for parking requirement review and the Escanaba Planning Commission for site plan review.

Blaine DeGrave advised the Board of their Powers and Duties of the Board of Appeals:

In accordance with Chapter 3, Board of Appeals, the ordinance allows the Board of Appeals the power to hear and decide on appeals where it is alleged that there is an error in any order, requirement, decision, determination, or interpretation of the code by the Code Official. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the appeal and shall make an order, requirement, decision, or determination as in the Board's opinion ought to be made on the matter.

If there are practical difficulties or unnecessary hardships in carrying out the strict letter of the ordinance, the Board of Appeals may, in passing appeals, grant a dimensional variance in any of the provisions relating to the construction, or structural changes in equipment, or alteration of buildings or structures, or the use of land, buildings, or structures, so that the spirit of the Ordinance shall be observed, public safety secured, and substantial justice done.

The Board of Appeals is a quasi-judicial body ^(*) that has two principal functions:

1. Deciding appeals of administrative decisions and interpretations made in implementing the zoning ordinance; and
2. To hear and decide requests for variances from the strict terms of the Zoning Ordinance or interpreting the requirements of the Zoning Ordinance (text and map)

* (When the Board of Appeals is called upon formally to hear facts and make a decision, they are performing a quasi-judicial function since this is similar to what judges do in court. This duty most commonly arises for requests for variances and conditional uses when applied to the Zoning Ordinance).

The presence of four (4) members is necessary to constitute a quorum and a majority vote of the members of the Board shall be necessary to reverse an order, requirement, decision or determination of an administrative official or to decide in favor of the applicant in the case of a variance, exception or interpretation, except that the concurring vote of four (4) of the members shall be necessary to grant a variance from uses of land permitted by the Zoning Ordinance. In the case of a dimensional variance request, a simple majority of the quorum present is necessary to grant or deny a variance.

The request before the Board is for a dimensional variance. As previously stated, it is the opinion of the property owner/developer that a practical difficulty exists at the property in that there are exceptional or extraordinary circumstances or physical conditions, such as narrowness, shallowness, shape, or topography of the property involved, that do not generally apply to other property or uses in the same zoning district.

The Board has the power to authorize specific variances or departures from the Zoning Ordinance, if all of the basic conditions are satisfied as defined in Section 305.4 Basic Conditions of the Zoning Ordinance and provided there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Zoning Ordinance. A variance from the dimensional requirements of the Zoning Ordinance may only be granted if it is determined that all basic conditions have been satisfied and that there is a practical difficulty in carrying out the requirement.

The basic conditions are:

- A. The spirit of the Zoning Code shall be observed, public safety secured, and substantial justice done.
- B. There is no substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.
- C. The difficulty or hardship relating to the property is not so general or recurrent in nature that the formulation of a general regulation for such conditions is preferable.
- D. The practical difficulties or unnecessary hardships are unique to property under consideration and not to the general neighborhood, and shall apply only to property that is under the control of the applicant.
- E. It shall be necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
- F. There is a clear showing of an unnecessary hardship in that the property as a whole cannot reasonably be put to a use authorized by this Zoning Ordinance.
- G. The alleged hardship or difficulty is not solely economic and is based on the reasonable use of a particular parcel of land.
- H. It may be denied where the alleged practical difficulties or unnecessary hardships resulted from an act of the applicant, or a person in privity or concert with the applicant.

The Board of Appeals needs to determine if there is a practical difficulty or unnecessary hardship prior to granting any variance. The granting of any variance should be in harmony with the general purpose and intent of such documents such as the Zoning Ordinance, Community Master Plan, Downtown Master Plan, and Downtown Vision Plan 2020. The Board of Appeals should determine if a literal interpretation of the provisions of these documents could deprive the property owner of rights commonly enjoyed by other properties in the same district under the terms of the documents and that the variance is the minimum necessary. Before any variance is granted, the following questions should also be considered:

1. Can the property be reasonably used as zoned?
2. Are there unique circumstances related to the property?
3. Does the proposed use alter the essential character of the area?
4. Is the need for a non-dimensional variance a self-created hardship or is it the result of a circumstance or special condition related to the property such as size, shape, and existing structures?
5. Does the variance, if approved, impair or conflict with the intent and purpose of the Zoning Ordinance, the Master Plan, the Downtown Master Plan, or the Downtown 2020

Vision Plan?

6. Is the project, if completed, expected to support a reasonable rate of return on the property owner's investment?

Blaine DeGrave advised the Board that the owner/applicant demonstration of a hardship and need for variance is required:

In order for a variance to be considered, the developer should be able to demonstrate that the following conditions have been addressed/met/demonstrated to the satisfaction of the Board of Appeals:

- A. That the spirit of the Zoning Ordinance is observed, public safety secured and substantial justice done. "Public Safety Secured" indicates that the variance, if approved, will not create an unsafe condition. "Substantial Justice" directly addresses fairness to the applicant, but it also applies to others that might be affected by the variance. The substantial justice requirement should dictate that the variance would not undermine the purpose and intent of ordinances and plans. The developer also needs to provide assurance that the variance being asked for is the minimum necessary to afford relief.
- B. That there is no substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.
- C. The difficulty or hardship relating to the property is not so general or recurrent in nature that the formulation of a general regulation for such conditions is preferable.
- D. The practical difficulties or unnecessary hardships are unique to the property under consideration and not to the general neighborhood and apply only to property that is under the control of the applicant.
- E. The variance is necessary for the preservation of a substantial property right.
- F. There is a clear showing of an unnecessary hardship in that the property as a whole cannot reasonably be put to a use authorized by the Zoning Ordinance.
- G. The alleged hardship or difficulty is not solely economic and is based on the reasonable use of a particular parcel of land.

Blaine DeGrave provided a staff summary:

The Board of Appeals does not have the authority to alter or change the requirements of the Zoning Ordinance without first establishing that a hardship exists. The Board of Appeals must determine if there is a hardship or difficulty, which is not a result of an act, created by the owner and is not solely economic in nature. Variances are not intended to relieve requirements of the Zoning Ordinance that are simply preventing the developer from doing what they wish. Instead, the Board of Appeals is intended to serve as a safety valve in those cases where the application of the zoning requirements results in a practical difficulty or unnecessary hardship. Provided, however, that in interpreting and applying the provisions of the Ordinance, the requirements shall be deemed to be the spirit and intent of the Ordinance and would not constitute the granting of a special privilege.

In the case of the application before the Board of Appeals, it is believed that any off street parking improvements at 617 and 623 Ludington Street and 608 and 630 1st. Avenue South improves the parking situation that currently exists with the installation of fifty one (51) new off street parking spaces (which is consistent with the goal to improve off street parking in the area). However, because the potential development will include a change of use, and the change of use is residential in nature, the minimum on-site parking requirements must be provided until a dimensional variance is approved. Without approval of such variance, along with a site plan

approval from the Escanaba Planning Commission, a zoning land use application cannot be issued by the City of Escanaba for the project nor can a building permit be issued by the Delta County Building and Zoning Department.

In accordance with Escanaba Zoning Ordinance and state law, a decision of the Board of Appeals shall be final. However, any party having a substantial interest affected by an order, determination, or decision of the Board of Appeals, may appeal to the Circuit Court if such appeal is made to the Court within twenty-eight (28) days after rendering of the final board decision.

John Liss asked the President of PK Development, Pete Potterpin, to explain the project in detail.

Pete Potterpin stated he is familiar with the area and currently working in the area. He stated they are trying to develop this building into apartments and retail space. They are trying to use a combination of historical tax credits, a housing tax credit, and a USDA loan to finance the property. The apartments are for affordable workforce housing. There is no subsidy involved with the residents. The rates are approximately \$500 - \$600 for a one (1) bedroom apartment and \$650 - \$700 for two (2) bedroom apartments. He understands that parking is an issue for this project. When the building was built several years ago, parking wasn't an issue. A couple of adjacent parcels are available for parking, are under the contract, and included in the proposal. With the property and two (2) additional parcels it allows fifty-one (51) parking spaces. It was difficult to find additional space for more parking and it also does not fit well financially to purchase more than what is proposed. He believes this is a good proposal and will bring more people down town. This project will improve the area and put this building back into use.

John Liss stated when you expand a property as proposed, you have to meet code. Since PK Development is adding square footage and flats that require parking, they created their own hardship. He questioned Mr. Potterpin if it is a financial issue as to why they need so many units. He questioned what is the reasoning for the hardship created.

Pete Potterpin stated in order to make it economically feasible PK Development has to have the suggested thirty (37) units to pay the bills. The income from the proposed amount of units and retail space is needed financially.

Mark Hannemann stated that this project is targeted toward people who will be driving since it is aimed toward the workforce. And that twenty-three (23) vehicles wouldn't have any place to park. He also stated conditions during winter would be difficult.

Pete Potterpin said his company found some surveys on parking in situations such as this for the Upper and Lower Peninsula. Studies show that one (1) to one and a half (1 ½) cars per unit is where they would need to be. So fifty-one (51) spaces for fifty (50) bedrooms would be acceptable.

Dennis Renken stated the house at 602 1st Avenue South (Lot 12) is going into foreclosure. And another house, located at 608 1st Avenue South hasn't paid any taxes since 2010. With the purchase of these two (2) properties, it would provide twenty (20) additional parking spaces. He asked Mr. Potterpin if he looked into these two (2) options.

Mr. Potterpin stated that if they incurred additional costs, it wouldn't be an economically feasible project.

Mr. Renken mentioned the plan for snow removal, which will be an issue. He agrees with Matt Sviland and believes additional parking needs to be further researched, just as Matt had to do with the Lofts on Ludington.

Mr. Potterpin said he's satisfied with the parking as proposed.

John Liss asked Blaine DeGrave if he has received any letters for this project. Blaine DeGrave stated the only letter is the one from Matt Sviland, which was read at the August 25th meeting.

John Liss opened the floor for public comment to all residents within 400 feet of the proposed project. He reminded the public that the proposal at hand is for parking only and comments should be strictly on parking.

Monique Ciofu read for the record a letter written by Carolyn Stacey, resident at 320 South 6th Street, who was unable to attend (see attached).

Sue Roll, the Business Director at the Bonifas Fine Arts Center located at 700 1st Avenue South, across the street from the proposed housing unit, stated several concerns. First, the proposed parking is a big concern for the Art Center who is truly dependent on city street parking. There are many evening events, over 200, and with this project, it puts a lot of pressure on the Bonifas Arts Center for parking. The Players De Noc has four (4) performances a year (over 30 events total), which bring in 200 or more guests per event. They also have week night rehearsals, over 40 rehearsals per show. She questioned where all the people would park. Having to compete with residents for parking is not how she would like to see the community develop. She feels this is a self-imposed problem. She believes that the number of apartments should be lowered. Past developers (such as Matt Sviland) have had to meet the parking code and this project should have to follow the same guidelines. She would like to maintain the integrity of this area and ensure the safety for the residents.

Dave Pinozeck, property owner at 112 South 6th Street (Lot 10 and 15) and 605 Ludington Street stated he has owned the property for roughly twenty-five (25) years now and that he knows the areas needs for parking pretty well. Lot fifteen (15) is his empty back lot and he is concerned people will park on his property after working hours and on the weekend when nobody is around if the proposed fifty-one (51) spots are all full. He also questioned what the plan is for snow removal and plowing, where the cars will park as snow needs are being handled. If the snow removal is handled the same as Harbor Towers, it will not work well for this area (cars have to be moved into the streets). With the addition of possible lots, it would provide twelve (12) more spaces for parking per lot, giving them the required seventy-four (74) spaces.

Pasqua Warstler, Executive and Calvary Director of the Bonifas Art Center, started discussion with concerns and questions from the Players De Noc members. First, what will the process for garbage pickup be, what will be the location of a dumpster, and will there be any bins. They believe there should be access from the alley to the parking area. They are concerned about the snow removal plan. They questioned if there will be more green space. The stakeholders stated that the basic needs for this project have to be met, including safety, having no adverse effect, and including the property rights of neighbors and their property. They feel safety will be an issue with the limited parking. They would like more information from Public Safety's point of view with reports and statistics on safety in this type of situation. Lastly, they would like more green space for more visibility to the Bonifas Art Center.

Paul Fix of Northern Insurance Agency, located at 529 South 9th Street, stated that the process for the Lofts, owned by Matt Sviland, required him to get additional parking space. He also

commented how fourteen (14) years ago when he bought the business, they had to meet the parking needs. He feels this project should have to follow the same requirements.

Paul Neumeier, property owner at 205 South 7th Street, stated he agrees with Sue Roll. There will be an overflow of parking with the church, shows, and Bonifas all needing parking. He also thinks there will be a problem with sewage since the system is older.

Craig Taylor, located at 6825 M.5 Lane, stated that all the rules should be the same for everyone. And if they were to allow special consideration for this property, it should be for something other than affordable housing.

Matt Sviland, owner of Lofts on Ludington, stated this area needs new development. He was granted a variance for the Lofts when he was five (5) spaces short. Then property became available. He has fifteen (15) apartments with three (3) commercial spaces for the forty-three (43) spots of parking. He feels affordable housing consists of an income of \$30,000 or less. For the fifteen (15) apartments at the Lofts, they have twenty (20) cars that need parking. They did need extra parking for the commercial portion of the building. He realizes the importance of adequate parking. Going forward, he would like to see further parking proposed with this project or he feels elimination of one (1) of the two (2) story flats would correct the problem. He also suggested ideas of snow removal. He stated that at the Lofts, which is a prime location, there are not many after-hours visitors. He previously looked at this property but found it would not fit his need. Lastly, he is in favor of any and all projects in Escanaba but he believes that seventy-four (74) spaces to fifty-one (51) is a stretch. He hopes the developer is not discouraged and would look at an additional lot or the elimination of a flat.

Todd Caron, owner of property at 630 1st Avenue South, stated he is in favor of the project. He understands there may be a couple of additional lots available, but he understands that additional financing would be an issue. He believes part of the Master Plan is to bring housing in to Escanaba. This project would contribute to that plan.

Maria Caron compared parking for the Bonifas Art Center to the parking at a Green Bay Packers game. If they can accommodate parking, parking should be ok at this location.

Pete Potterpin stated this project will maintain the integrity of the building and surrounding area. They have researched all options and this is the best fit. He believes the fifty-one (51) new parking spaces is good as is and covers the needs of the residents. And that this project will be a great benefit to the City.

Ralph Blasier, acting as a citizen and not a Council member, located at 700 Lake Shore Drive, stated that if the tenants are older they may not need two (2) spaces per unit, which is the difference between this project and the House of Ludington project.

Craig Taylor questioned what the difference is between low income and affordable housing and that they may need two (2) spaces per unit since the tenants will not be elderly.

John Liss opened comment to the Board Members:

Judy LaCrosse stated that she worked at Harbor Towers for twenty-eight (28) years and that they may have had a parking issue five (5) times during this period and the City granted extra street parking space during these issues. This building has a lot of employees and that there really are no issues with parking.

Mark Hannemann stated he is not convinced on the project. He stated that if a sixteen year old is living in this building, they look forward to getting a car and driving, so where would they park. People will not have a place to park.

John Liss agreed with Mr. Hannemann. He stated that Matt Sviland was forced to fix the parking issue at the Lofts. He was able to correct the problem but he does not believe it would be fixed at this location. He appreciates all the work done by the developer but he has some concerns.

Nathan Gauss stated the citizens brought up good concerns. He believes this is a good project and he supports it.

Dennis Renken said he would like the developer to look into the previously mentioned lots for purchase for additional parking. He also agreed with the points made by Matt Sviland. As it stands, he cannot agree unless additional parking is added to the plan. He stated that Mr. Sviland survived his process but that we should not repeat it again. And if a variance is granted, it would be the same problem. He would like the developer to look into the two (2) possible lots for purchase.

Judy LaCosse asked Mr. Renken how this project would be any different than the parking variance that was granted for the House of Ludington.

John Liss replied the House of Ludington may only have one (1) car per tenant because housing is for the elderly. So consideration for this project is different than that of the House of Ludington.

Judy LaCosse stated her family has two (2) cars and one (1) motorcycle and she is over the age of fifty-five (55).

Mark Hannemann stated this location and project does not apply to seniors, it applies to the workforce. Therefore, tenants will have to drive and could be on different daily schedules for work or for personal. This plan would not work.

Blaine DeGrave stated that a brand new development, with no existing buldings, would require ninty-one (91) parking spaces. If we would grant the same parking variance for PK Development as was granted for the House of Ludington, this development would need one (1) for one (1) for the twenty-four (24) existing building units, seventeen (17) for retail space, and twenty-six (26) for the thirteen (13) new units, for a total of sixty-seven (67) spaces. Leaving the project short of sixteen (16) spaces.

Nathan Gauss said we need to say yes to developing projects to better our community.

A motion was made by Vice Chairperson Gauss to accept the parking variance request from PK Development for a dimensional variance to Section 1702 Parking Space Requirements and Table 1702 of the Escanaba Zoning Ordinance, allowing them to reduce the number of required and combined off street parking spaces from seventy-four (74) to fifty-one (51) spaces for a proposed mixed use commercial and thirty-seven (37) unit affordable housing project, seconded by Member Judy LaCosse.

A Roll Call vote, which needs majority vote, was conducted by Buffy Smith.

Ayes: Member Judy LaCosse, Vice-Chairperson Nathan Gauss

Nays: Member Mark Hannemann, Chairperson John Liss, and Member Dennis Renken

John Liss stated a majority vote has not been met.

City Manager Jim O'Toole stated the parking variance is denied and will not be going to the Planning Commission or to the City Council for review until there is adequate parking per code.

John Liss believes there are options available to the developer and suggested they look into them. He believes that Mr. Hannemann is correct and since the building will not be elderly tenants, two (2) spaces per unit would be needed. It could be a viable plan with a little more parking.

Jim O'Toole stated this item will be scratched from the Planning Commission agenda.

John Liss asked if there is any other comments from the Board.

John Liss asked if there is any other general public comments.

Paul Neumeier asked if the House of Ludington was able to purchase additional space for parking. Mr. Liss replied yes, property behind the building close to the back.

Jim O'Toole stated the property is located at 216 1st Avenue South, which may allow them twenty-six (26) additional parking spaces. Some minor adjustments still need to be made to the plan.

John Liss asked if there are any additional comments.

Jesse Benson, resident at 6825 M.5 Lane, stated the current plan should include a second access into the parking structure. She asked if they are considering buying other properties. She asked Judy LaCrosse why she would agree with the approval of the parking variance if Judy believes there could be more than one (1) vehicle per unit. Even though Judy was not present at the Board of Appeals meeting regarding the House of Ludington, she replied she does approve of the parking variance for the House of Ludington, which applies to people fifty-five (55) years and older.

No other comments were made.

ADJOURNMENT

A motion was made by Member Renken, seconded by Vice-Chairperson Gauss, to adjourn the meeting. Ayes were unanimous.

The meeting adjourned at 7:27 p.m.

Jon Liss, Chairperson
Escanaba Zoning Board of Appeals

Blaine DeGrave, Ex-Officio
City of Escanaba