

**ESCANABA ZONING BOARD OF APPEALS
ROOM C101, CITY HALL, ESCANABA, MI
August 25, 2015**

A meeting of the Escanaba Zoning Board of Appeals was held on Tuesday, August 25, 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, Code Official Blaine DeGrave, Executive Assistant Buffy Smith, Confidential Secretary Lisa Glish, City Manager Jim O'Toole.

PRESENT VIA PHONE CONFERENCE: Peter Jobson, President of Excel Realty Group

ABSENT: Members Judi LaCosse and 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 OCTOBER 22, 2014 BOARD OF APPEALS MINUTES

A motion was made by Vice Chairperson Gauss, seconded by Member Renken, to accept the October 22, 2014 Meeting Minutes as submitted. Ayes were unanimous.

APPROVAL/ADJUSTMENTS TO THE AGENDA

Blaine DeGrave stated three (3) revisions to the agenda. Agenda item one (1) where it states "505.2.1" will be replaced with "1702". Under agenda item one (1) where it states "17" for the proposed parking spaces, will be changed to "18".

CONFLICT OF INTEREST DECLARATIONS

None.

UNFINISHED BUSINESS

None.

PUBLIC HEARING

223 Ludington Street: Dimensional Parking Variance – Zoning Ordinance

Chairperson Jon Liss stated the meeting for this evening pertains to the parking variance request only. And that all residents within 400 feet of the property will be given a chance to comment.

Blaine DeGrave stated Mr. Peter Jobson, President of Excel Realty Group, is requesting this hearing for a dimensional variance to Section 1702.1. Required Number of Parking Space Requirements, Table 1702 of the Escanaba Zoning Ordinance (dwelling units). Mr. Jobson is requesting a dimensional variance be granted, which would allow him to reduce the number of

required off street parking spaces from 68 to 18 for a proposed 34 unit affordable senior housing project located at 223 Ludington Street.

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. This requirement was adopted well after the property was developed into its current use which has changed numerous times throughout the course of the buildings history.

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.

Although the area of the building is not being increased, the layout and dedicated use of 34 one (1) and (2) bedroom apartments will change the overall building use. Currently the uses at the building include; Eleven (11) guest rooms, four (4) one (1) bedroom apartments, six (6) two (2) bedroom apartments, one (1) three (3) bedroom apartment with the remaining space being approximately 11,090 square feet of commercial space. If the current uses were being proposed today, the parking requirements for the existing uses would be approximately; Eleven (11) spaces for the guest rooms, Twenty two (22) spaces for apartment dwellings, approximately twenty six (26) spaces for restaurant and pub use, nineteen (19) spaces for retail use and ten (10) parking spaces for assembly use. This would be a total of approximately eighty eight (88) parking spaces.

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. In the case of 223 Ludington Street, a partial change of use is being proposed which involves a change to a dedicated residential use.

Blaine DeGrave offered the following proposed findings:

1. Edward and Suzell Eisenberger are the owners of record for the property. In accordance with the requirements of Section 304.1.7 of the Zoning Ordinance, the property owners have given the Excel Realty Group authorization to act on their behalf in obtaining a dimensional zoning variance for a potential 34 unit affordable senior housing project. (See Attachment No. 2)

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 11, 2015 – See Attachment No. 3) 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 10, 2015 (See Attachment No. 4). A meeting notice was also placed on the City Website and on the City Facebook page on August 11, 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 July 30, 2015 the Excel Realty Group filed a Zoning Board of Appeals Application. In the application the developer was asked to answer the following questions (See Attachment No. 1):
 - (1) **(Q) Could you describe the reason(s) for requesting a variance from zoning ordinance requirements?** *Applicant proposes to install eighteen (18) parking spaces for thirty-four (34) planned senior multifamily units. The rationale for this request is that the property has been in existence since 1865 (before the advent of the motorcar) and the site size does not permit the code required number of parking spaces. In addition, senior housing is a different and specialized property type, which does not require as much parking as non-senior multifamily use. The small size and historic nature of the building combined to create a unique circumstance where redevelopment is not possible if the current code's parking requirements are necessitated. For this reason the applicant requests the variance.*
 - (2) **(Q) Describe why the problem is not self-created.** *(A) The property size is .6 acres and therefore makes it impossible to develop two (2) parking spaces per dwelling.*
 - (3) **(Q) Describe any negative impact to the adjacent parcel(s) that may result from granting of a variance.** *(A) None.*
 - (4) **(Q) Does the property possess unique characteristics (not common to the general area)?** *(A) Yes. This is a historic property and the building covers a large percentage of the site.*
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 seniors who are ready to give up the responsibilities of owning a home. (See Attachment No. 5)

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 work 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. Lastly, there is a goal in the 2020 Vision Plan to improve parking downtown by enhancing the existing downtown parking lots and promoting shared parking with the Chamber of Commerce so that public parking lots can be installed behind the Chamber of Commerce and that discussions should take place with the State of Michigan to promote the concept of sharing their parking lot on the 300 block of 1st. Avenue South with the visitors and employees in this area of the downtown. The primary reason for this goal was to create additional off street parking opportunities for both the Chamber of Commerce and the House of Ludington. (See Attachment No. 6)
7. In 1990, the House of Ludington became a registered Michigan Historic Site with the State of Michigan. 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 223 Ludington Street. (See Attachment No. 7)
8. Historically the existing property and use has no existing off street parking spaces for the current use of a restaurant, retail space, banquet facility, apartment complex, and lodging rooms. Currently all parking is provided on publically owned right of way. On January 6, 1977, the City Council approved an off-street parking exemption for the House of Ludington with respect to Winter Parking Regulations. Under this exemption the House of Ludington was permitted to use both sides of the City right of way for winter off street parking. (See Attachment No. 8)
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. (See Attachment No. 9)
10. On August 4, 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. (See Attachment No. 10)

11. On August 5, 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. (See Attachment No. 11)
12. On August 6, 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. (See Attachment No. 12)

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 223 Ludington Street improves the parking situation that currently exists with the installation of eighteen (18) 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 partial 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.

Peter Jobson stated the current use of this building does not have any parking space and the project would be an improvement for this area. The parking variance is for fewer parking spaces than what code requires, which is 34 spaces. He stated that the building was developed in the 1860's to the 1880's. A need for hotel guests was in demand at this time, but parking was not. The proposed plan would redevelop the House of Ludington into affordable senior housing. All uses for the building will require parking regardless of project. The senior housing project proposed is less intensive than the current use. Senior housing is not comparable to assisted living. The cars versus unit's requirement will be met. Several market studies' for accurate research to back up his offer has been conducted. Fencing will also be provided to screen headlights. The House of Ludington property is an icon and needs attention. In 1977 code was updated last.

Blaine DeGrave stated that in 1977 residents were allowed to park on the streets.

City Manager Jim O'Toole stated that in 2006 code was updated.

Dennis Bittner with Bittner Engineering took the stand and offered to answer any questions. There were none at this time.

Blaine DeGrave entered in the record the two (2) letters received by the City (see attached).

Blaine DeGrave stated the online petition at Change.org received 510 signatures, and several emails were sent to City Manager, Jim O'Toole.

John Liss opened floor for Public Comment - first offering residents who live within 400 feet of 223 Ludington Street to comment:

Dan Sampson, property owner at 117/119 South 3rd Street stated that indoor parking was sold previously to the Stupak Law Office, so that Stupak could build their building. He commented on how the House of Ludington is allowed to park overnight during winter months, and that after a snowstorm, crews need to plow around vehicles on the road, coming back a second time to clean up after vehicles leave. He is concerned what will happen when residents in the new House of Ludington have daytime/overnight guest. He stated there isn't any room for outdoor celebrations under tents, etc. He also mentioned his previous offer to sell his property in the past to the House of Ludington for parking, which would give them a 100 foot by 100 foot square lot.

Steve Bessemer, located at 208 1st Avenue South stated that since the housing will be for seniors, they will still be able to and need to drive. The area is not adapt for walking, with no close stores in the area. He is concerned with overflow parking, if it will it take place in front of his residence. Congestion in the alley will be an issue. Trash pick-up is a concern. Lastly, he commented on snow removal, which will be a problem.

Terry Reynolds, property owner at 215 Ogden Avenue stated he is opposed to the parking variance, mainly to use concerns.

Dave Swalbach, property owner at 212 1st Avenue South stated he is in favor of the project. He agrees with selling homes for parking. He also suggests to add a stipulation of adding additional parking.

John Liss opened floor for public comment to residents of the City:

Monique Ciofu is opposed to the parking variance. This is not a walkable site.

Paul Neumeir, a Gladstone resident/property owner in Escanaba stated he is opposed to the variance due to a lack of parking spots. He questioned where guests would park. He questioned the process for snow removal, which would be an issue. Lastly, he said this project is inconvenient to the neighbors surrounding this building.

City Manager Jim O'Toole read for the record a letter by Matt Sviland (see attached):

Jim O'Toole added to the record that parking spots would not be allowed to store snow.

Suzell Eisenberger, current owner of the House of Ludington for the past 18 years, mentioned how she is heartbroken and frustrated with the comments from the community. All possible options for this building have been researched and the proposed senior housing is the best. She stated most street parking is currently used by hotel guests and renters. She stated that she was promised more parking within the City through a "handshake" agreement when she originally purchased the property 18 years ago. Ed and Suzell would like to move on with their life. She stated this project is the savior for this building. If this project doesn't happen, she doesn't know what to do. Suzell stated that she and her husband approached Dan Sampson in the past to purchase his property for parking, but with a high price offer, it was not feasible. She insisted that the public listen to the facts presented by the professional developers instead of the neighbors who are against this project. She commented that the building is in need of \$2.5 million worth of repairs, money they do not have. If the project is denied, she stated that The House of Ludington will not stay a Restaurant/Banquet Hall, and they will not be forced to stay here."

Ed Legaut, Executive Director of the DDA, mentioned that he is currently working on item #9 from the distributed packet, which states "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". Ed is doing the ground work and study work to present to the Board. The City's vision is to revitalize downtown. The recommendation to our Board would be much less than what it is today.

John Liss opened the topic of Ordinance 1702.3.2 for the property at 223 Ludington Street for discussion to the Board, with Blaine DeGrave providing a recap of the proposed project. He stated the City has Ordinances to follow and it is the Board's decision on the parking variance proposed.

Dennis Renken stated he feels there is a reason why the ordinance is in force and to deviate from the current ordinance would create problems. He believes safety down the alley is a major issue, and he is not in favor of the project. He believes there would be better options than the proposed.

Nathan Gauss stated that any project at this location will need a parking variance no matter what the project is. He would like more parking options to be researched further.

Mark Hannemann stated he does not feel it would be fair to other developers that were held to the current ordinance if the proposed parking variance is approved.

Jon Liss agreed that there is a major safety concern in the alley, and that they need to look at parking closer. He is concerned with the snow removal. He also understands the current owner's point of view. Overall, he has to look at the long term decision. He asked the Board Members if they would like to make a motion at this point.

Nathan Gauss stated he would like additional parking to be researched. He questioned Peter Jobson on additional parking because at this point that is what would stop this project. He also would like in writing something stating this building cannot be turned into anything other than elderly homes, like what happened with the Harbor Towers. Peter Jobson stated that buying additional property would make the project harder. He feels there is an adequate amount of parking as proposed based on research conducted. He is not aware of a property owner offering their property for purchase. He believes this project is challenging, with all the work, time, and money needed, but is willing to pursue the project anyways. From an economic perspective, he doesn't believe there is any other program that would be suitable. He heard all concerns on safety with the alley and suggested traffic control devices be put in place. Bottom line is, this property needs rehabilitation and it won't last if vacant.

Blaine DeGrave stated that if the parking variance is denied, the project stops completely. If it is approved, it moves onto to the Planning Commission, then to the City Council. As a reminder, Blaine stated that an appeal can be made with the Circuit Court within 28 days for either the developer or a citizen who is not happy with the outcome.

Jon Liss stated he is looking for a motion to be made. Nathan Gauss made a motion to recess the meeting so the Board can have an opportunity to do more research without a hasty decision being made. Dennis Renken believes a decision should be made now.

A motion was made by Chairperson Liss, seconded by Member Renken to support and proceed with what is presented with the restriction to have the developer effectively look for other options for parking, including talking to Mr. Sampson and the surrounding neighbors. And to have possible participation from the DDA to get this resolved.

City Manager Jim O'Toole interjected stating the question before the Board tonight is if the parking variance is approved or not. Options for the Board are to approve, deny, or table the matter.

A motion was made by Chairperson Liss, seconded by Member Renken, to table the meeting for additional research to be conducted and to recess the meeting.

City Manager Jim O'Toole interjected for additional clarification as to what the target number needs to be. Jon Liss stated one per unit and additional space for snow. Mr. O'Toole suggested to approve a parking variance provided additional parking be installed, which would allow one per dwelling unit, for a total of 34 off street parking. And to have a commitment for snow storage on the premises or to have a legally binding contract for snow to be physically removed within 48 hours.

A motion was made by Nathan Gauss, seconded by Jon Liss to support the recommendation of City Manager Jim O'Toole. A roll call vote was conducted by Buffy Smith. Ayes were unanimous.

Jon Liss questioned the next step for this project. Jim O'Toole stated the site plan review before the Planning Commission will be on September 10th. October 1st is the deadline for funding to the State of Michigan. At the Planning Commission meeting, if approved, it has to be on a one to one basis.

Jon Liss concluded the end of discussion for item #1 regarding the House of Ludington project. Jim O'Toole recommended a 5 minute recess.

COMMISSION/STAFF COMMENT AND ANNOUNCEMENTS

Jim O'Toole and Board of Appeal members agreed to adjourn the meeting early with Chairperson Liss striking ill, resulting with him needing immediate attention through EMS.

ADJOURNMENT

A motion was made by Vice-Chairperson Gauss, seconded by Member Renken, to reschedule Agenda Item #2, a dimensional parking variance for 617 and 623 Ludington Street/608 and 630 1st Avenue South at a future meeting, which will be held no later than September 10, 2015, and to adjourn the meeting. Ayes were unanimous.

The meeting adjourned at 8:15 p.m.



Jon Liss, Chairperson
Escanaba Zoning Board of Appeals



Blaine DeGrave, Ex-Officio
City of Escanaba

August 21, 2015
Tom and Kathy Jensen
116 South Second Street
Escanaba, Michigan 49829

City of Escanaba Board of Appeals and
City of Escanaba Planning Commission
c/o City Manager James O'Toole
City Hall

To whom it may concern,

First of all, we as neighbors would like to thank the Eisenbergers for all of the work they've put into restoring and maintaining the House of Ludington for the past 18 years. We do appreciate all they've done to keep the hotel open and in the best condition they could.

We do however have concerns about the proposal to change the function of the building to affordable elderly housing. The Escanaba area already has plenty of affordable elderly housing. What our community lacks is condominiums and high or executive rentals, such as the Lofts on Ludington. Better quality rentals are more in keeping with the historic character and elegant nature of this wonderful old hotel. We are personally acquainted with elderly residents that cannot find high quality rentals in the area, and early on having heard the hotel was to be converted were excited thinking their future home would be in a condo in that wonderful old hotel. What a disappointment.

Secondly, while this proposal states that rentals would be for affordable senior housing, we see just three blocks away what has become of Harbor Tower, formerly 'affordable senior housing', now heavily subsidized low income housing, that some of the poor in our community say does not meet *their* housing standards. We also see the percentage of low income rentals in our neighborhood increasing and the percentage of owner occupied homes in decline.

Thirdly, the additional traffic that would result from any parking lot that exited into the alley behind the hotel would cause a dangerous situation for neighbors with children and grandchildren. Current traffic in the alley rarely stops before entering onto 2nd street. The current parking proposal has 15 stalls that would exit into the alley which would increase traffic flow while not providing adequate parking for each of the units in the proposed plan. We would want to see a plan that met the parking requirements, provided parking for at least the 30 units, and that did NOT include parking on city streets overnight, and parking that entered from and back onto Ludington Street. Two summers ago we had a fence knocked down by a careless driver entering from 2nd into our alley in the middle of the night. We can just imagine some 15 of the 30 units' renters racing into the alley trying to beat someone else to one of the few available parking places any given evening.

Finally, we see that a dumpster sufficient (probably insufficient, in our experience) for 30 rental units is going to sit in the alley 2 houses away from us and right behind our two neighbors homes, and more garbage trucks coming down the alley more often (we sure HOPE for that much garbage!) stinking up the neighborhood and increasing traffic danger to our grandchildren.

We believe Jobson wants to put too large a project into too small a space, and in a space that is better suited to larger, fewer, higher end rentals and an elegant restaurant and retail space on the first floor.

Thank You, Tom and Kathy Jensen



ATTACHMENT 20

Darren Feuerbach
Steve Parrett
Jerry Bouty-Feuerbach
Financial Advisors
209 Ludington Street
Escanaba, MI 49829
906-789-0125

received
8/20/15 1:30 PM
LNG

August 19, 2015

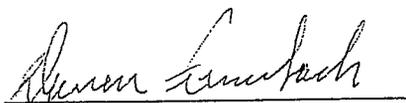
City of Escanaba
C/O Community Preservation Department
410 Ludington Street
Escanaba, MI 49829

RE: 223 Ludington Dimensional Variance for parking August 25, 2015 Board of Appeals Meeting

We believe the parking requirements were put in place for a reason and should be followed. Parking requirements may be less for seniors, but certainly not one fourth the rest of the population.

Our business has been located at 209 Ludington since 1995. A large percentage of our clients are seniors who often have difficulty walking a distance. We have concerns that allowing this variance will cause all available parking in front of our business to be unavailable for our clients.

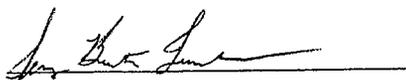
In summary we feel as though the variance should not be granted, however, other parking options should be explored and pursued.



Darren Feuerbach



Steve Parrett



Jerry Bouty-Feuerbach

ATTACHMENT 21



1121 Lake Shore Drive
Escanaba, Michigan 49829

My name is Matt Sviland.

I'd like to thank the Escanaba Board of Appeals members for their time and great community participation.

There is nothing that the City of Escanaba needs more than good development. Quality renovation of the historic building stock in downtown Escanaba is the surest way to help our city grow and prosper. Based on the incentives available, the State of Michigan agrees with this assessment. We, as a city, need to increase the City's property tax total by encouraging quality redevelopment of our historic building stock. In order to attract developers, there needs to be incentives which allow a reduced property tax liability early on in order to create a larger tax base down the road. Like the song says "Its all about the base!"

Buildings such as The House of Ludington and the Bank/Masonic Temple are extremely important to the vitality and appearance of downtown Escanaba. Working with blighted historic buildings isn't cheap, and in order for either of these projects to work financially, the developers need to access Federal Historic Tax Credits. This will ensure that the renovations are completed according to the stringent guidelines set down by The Secretary of the Interior. Both projects will no doubt look fabulous when finished.

My wife Beth and I bought the Delta Building in January of 2008 with the express purpose of completing such a renovation. We searched out and found the necessary incentives to make the transformation of the Delta Building from a white elephant at the entrance to Escanaba's downtown into the Lofts on Ludington which won the 2012 Governor's Award for Historic Renovation. The completion of this project required the help of The City of Escanaba Administration, The State of Michigan, and the Federal government, to all of which we are extremely grateful.

Early in the process we brought our site plan before the Planning Commission for approval. That plan included 18 parking spaces for the 15 apartments and 3 retail spaces. We were told we needed 32 spaces, and our plan was summarily denied in a split vote. We went to a neighboring property owner to lease some of their land in order to create 9 more parking spaces for a total of 27 which still wasn't adequate. In the end, in order to move forward, we had to purchase the adjacent Auto Value property, demolish a portion of the building, and effect the transformation of that property into parking. This cost us an additional \$150,000 when all was said and done. But, we ended up with a total of 43 parking spaces for The Lofts residents and commercial spaces. We now realize that adequate parking is vital to the success and flow of any downtown project. It was for exactly this reason, that we didn't pursue purchasing The House of Ludington ourselves. If you vote yes tonight it will change the rules that had to be followed by The Lofts on Ludington development, and set a precedent for all future downtown projects.

ATTACHMENT 22