

**ZONING BOARD OF APPEALS
MEETING MINUTES
January 27, 2016
CITY COUNCIL CHAMBER
7:00 P.M.**

1. CALL TO ORDER

The meeting was called to order at 7:08 p.m. by Vice Chair Roach.

II. ROLL CALL

Present: J. Bailey, R. Johnson, T. Roach, J. Albers, E. Seymour

Staff: B. Wessler, Planner II
N. Schuette, Executive Secretary
J. Meyers, Community Development Director
C. Kochanek, Planner I

III. APPROVAL OF MINUTES

Commissioner Albers moved to approve the minutes of December 23, 2015 with correction as noted (Support: E. Seymour) and the motion carried unanimously.

IV. PURPOSE OF MEETING

Vice Chair Roach, stated the purpose of the meeting, which is to discuss a variance request on a rear setback. He also advised the audience for those that have not attended a Zoning Board of Appeals meeting before, they should be aware that, by requesting a variance, what the applicant is requesting is for the Zoning Board of Appeals to do is to change the law and make an exception so that the applicant can do what their neighbors are not allowed to do. There are standards that have to be met, the Zoning Board of Appeals did not write the standards – they were written by City Council, but it the job of the board to interpret the standards. They are strict and oftentimes we have to turn down the request. If this is the case, the applicant should not take it personally.”

Chairman Bailey arrived at 7:13 and took over the meeting.

V. OLD BUSINESS

1. 1420 Washtenaw – Rear Setback Variance

Commissioner Johnson moved to remove this item from the table (Support J. Albers) and the motion carried unanimously.

Cynthia Kochanek, Planner, stated that this request came before the Zoning Board of Appeals in December, and since that meeting, the applicant has submitted another set of drawings and an information sheet from the State of Michigan that lists the requirements for the Michigan Liquor Control Commission (MLCC) for an Off Premises Special Designated Merchant (SDM) License. The SDM license is for the sale of beer and wine. Documentation regarding the liquor license was not submitted, as a result, staff cannot comment on the requirements regarding the liquor license.

The applicant did receive conditional site plan and special use approval from the Planning Commission for this expansion.

After review of the plans and the SDM license document, staff has some additional comments, however, the Standards for Variances and Staff Recommendations remain the same as what were listed in the original staff review from December 17, 2015. Relevant details from the submitted documents are listed below:

Off Premises Specially Designated Merchant (SDM) License

- Granted for the retail sale of beer and wine for consumption off premises
- Typically held in conjunction with other types of licenses
- SDM licenses will not be issued to an applicant that sells motor fuel unless one of four conditions is met (*the following condition is the only one applicable in the case of 1420 Washtenaw Avenue*):
 - The applicant maintains a minimum inventory on the premises, excluding alcoholic liquor and motor vehicle fuel, of not less than \$250,000, at cost, of those goods and services customarily market by approved types of businesses and the site of payment and selection of alcoholic liquor is not less than 50 feet from the point where motor vehicles fuel is dispensed.

Submitted Drawings

- Show the required 50' radius from the gas pumps to the site of payment and selection of alcoholic liquor. It is still not clear that the required 50' radius requires the decrease in the rear setback and cannot be accomplished within the current rear setback of 6.13'.
- Address greenbelt, rear lighting, non-motorized easement, etc. that were conditions of the Planning Commission approval.

Staff recommendations

Remain the same as that listed in the original staff review dated December 17, 2015.

Commissioner Johnson stated that since staff is not convinced that the applicant has made his case that the extra 6' is required, he agrees with agree with staff's decision. Other board members concurred.

Commissioner Albers moved to approve the recommendation presented by staff that the variance be approved for the current 6.13' rear yard setback to be extended along the

western addition (Support: T. Roach) and by voice vote, the motion carried unanimously.

VI. NEW BUSINESS

None

VII. ADJOURNMENT

Since there was no further business, Commissioner Johnson moved to adjourn the meeting (Support: T. Roach) and the motion carried unanimously. The meeting adjourned at 7:21 p.m.