

IMLAY CITY ZONING BOARD
Regular Meeting
Tuesday, November 26, 2018

1. CALL TO ORDER

Chairman John Lengemann called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

Chairman Lengemann led the Pledge of Allegiance.

3. ROLL CALL

Present: Chairman John Lengemann
Board Member Tom Blount
Board Member Earl Gass
Board Member Bob Tanis

Vice Chair Richelle Martin (7:04)
Board Member Teresa Richey
Board Member Barb Yockey

Also Present: City Manager Tom Youatt, Mike Carpenter with Rowe Engineering, Alan Bean with Spicer Group, Alex Lengemann, four residents, and one member of the media.

4. APPROVAL OF AGENDA

Moved by Gass, seconded by Blount, to approve the agenda as presented.

Motion Carried Unanimously

5. APPROVAL OF MINUTES

Moved by Richey, seconded by Yockey, to approve the minutes of the March 15, 2018 regular Meeting as presented.

Motion Carried Unanimously

6. CITIZENS FROM THE FLOOR

City Manager Tom Youatt introduced Mike Carpenter from Rowe Engineering and Alan Bean, Senior Project Planner with the Spicer Group.

7. PUBLIC HEARING

Chairman Lengemann opened the Public Hearing at 7:04pm

A. **Variance Request** – City of Imlay City
Borland Road Parcel # 119-83-207-000-00

Motion by Martin, seconded by Richey that all notices and applications are entered into the record.

MOTION CARRIED UNANIMOUSLY

1. **Variance** from Section 23.7(A) – regarding landscape standards for greenbelts, to reduce the number of required trees from the west from property line from 28 trees and 84 shrubs to 15 trees.

Mike Carpenter (Rowe Engineering) presented a site drawing of the new Fire Hall. He pointed out the Fire Hall is close to Borland Road and the building takes up most of the width of the parcel. The front of the building is all driveway with a 2 – section parking lot and drive-way in rear of building, which takes up most of the remaining space. The City Ordinance calls for a border of trees on the west side of the property. No trees can be placed in the Site View of the Fire Trucks, therefore the City is asking for a reduction to 15 trees to accommodate the remaining border on the west side.

Alan Bean (Planner/Spicer Group) stated that although the land is Commercial, it is considered Public Use which puts the City within means to ask for the variance.

Lengemann: Is it Burdensome to have that many trees/shrubs?

Gass: If the Ordinance is burdensome, then the City Commission should change the ordinance. Why should we grant a variance?

Blount: If the Adjoining parcel was commercial (it is industrial) there would be no requirements. Why did the City not do its “due diligence” prior to purchase?

Chairman Lengemann closed the Public Hearing at 7:34pm

Motion by Gass, seconded by Yockey to deny Variance A.1., tree reduction, with explanation.

Roll Call Vote:

Ayes: Martin – City needs to readjust the number of trees to meet the ordinance

Yockey – The ordinance was written for everyone to follow

Blount – Written ordinance needs to be followed

Gass – Self-imposed ordinance – Cities hardship is by the City’s own ordinance

Lengemann – They are subject to the ordinance. I don’t see how the City is any different

Nays: Tanis – The ordinance requirement is too many trees for the public use of the property

Richey – Cannot reasonably put that many trees in the space

MOTION DENIED Ayes – 5 Nays - 2

Chairman Lengemann re-opened the Public Hearing at 7:40pm

2. **Variance** from Section 23.7(C) - regarding landscape standards for parking lot landscaping, to accept the requirement of constructing parking lot islands.

Chairman Lengemann closed the Public Hearing at 7:53pm

Motion by Blount, seconded by Gass to approve Variance A.2., the parking island, as illustrated in the site plan.

Roll Call Vote:

Ayes: Martin, Richey, Yockey, Blount, Gass, Tanis, Lengemann

Nays: None

MOTION CARRIED UNANIMOUSLY

Chairman Lengemann re-opened the Public Hearing at 7:55pm

- 3. Variance** from Section 23.7(D) – regarding landscape standards for detention/retention pond landscaping, to accept the requirement of planting required trees and shrubs.

Mike Carpenter (Rowe) stated that the Retention Pond is going to be all grass, mowable, and not highly visible. Requested a reduction in the amount of trees and shrubs required.

Chairman Lengemann closed the Public Hearing at 8:02pm

Motion by Yockey, seconded by Blount to deny Variance A.3., tree and shrub reduction at the site of the retention pond, with the same rationale as the denial of Variance A.1.

Roll Call Vote

Ayes: Richey, Yockey, Blount, Gass, Tanis, Martin, Lengemann

Nays: None

MOTION CARRIED UNANIMOUSLY

Chairman Lengemann re-opened the Public Hearing at 8:03pm

- 4. Variance** from Section 16.6(H) (2) – regarding sidewalks, pedestrian and bicycle circulation, to accept the requirement of constructing a sidewalk along East Borland.

Mike Carpenter (Rowe) stated that the frontage of the parcel was majority driveway and if required to put in a sidewalk, it would change the layout of the driveway and make it more difficult for the emergency vehicles and the sidewalk would not connect to any other sidewalk.

City Manager Tom Youatt, stated that the East side of the parcel was Gallop Brush and they will never put in a sidewalk and Taco bell is on the West side and they would not be putting in a sidewalk.

Chairman Lengemann closed the Public Hearing at 8:11pm

Gass stated that the City needs to follow its own ordinances.

Motion by Gass, seconded by Richey to Deny the request to exempt the City from the sidewalk requirements of Variance A.4.

Roll Call Vote

Ayes: Yockey, Blount, Gass, Tanis, Martin, Richey, Lengemann

Nays: None

MOTION CARRIED UNANIMOUSLY

Chairman Lengemann re-opened the Public Hearing at 8:13pm

5. **Variance** from Section 2.26 (B) – requiring that intensity of light within a site shall not exceed one foot-candle at any property line to allow it not to exceed two foot-candles at the south property line.

Mike Carpenter (Rowe) and Alan Bean (Spicer) went over the lighting that was to be used for the Fire Hall. The lighting does exceed Section 2.26 (B) requirements, but it is minimal. They did use shorter light posts to reduce the area of lighting and are pointing them down rather than out. This would reduce the light that would shine into the street and the neighboring homes.

Chairman Lengemann closed the Public Hearing at 8:31pm

Motion by Martin, seconded by Yockey to grant the Variance from Section 2.26 (B) lighting requirements as presented.

Roll Call Vote

Ayes: Blount, Tanis, Martin, Richey, Yockey

Nays: Gass, Lengemann

MOTION CARRIED Ayes - 5 Nays - 2

B. Variance Request – Alex Lengemann 1970 s. Almont Avenue Parcel # I19-85-219-040-00

1. Variance from Section 15.2(B) – the maximum ration of lot depth to lot width shall not exceed a depth of four (4) times the width.

Chairman Lengemann stated the applicant is his son and this would be a conflict of interest, so therefore he recused himself.

Motion by Richey, seconded by Gass to accept the recusal of Chairman Lengemann and let the Public Hearing be conducted by the Vice Chair Richelle Martin.

MOTION CARRIED UNANIMOUSLY

Motion by Yockey, seconded by Richey that all notices and applications are entered into the record.

MOTION CARRIED UNANIMOUSLY

Vice Chair Martin opened the Public Meeting at 8:36pm

Alex Lengemann stated that he is purchasing a home from the Christ Evangelical Church and is requesting approval for a depth ratio that exceeds 4 to 1. Requesting the parcel be approved with 90' of road frontage by 495' deep which results in a 5.5 to 1 ration. He stated limiting the ratio at a 4 to 1 would leave a 135' chunk of land behind the home that essentially serves no purpose for either himself or the Church. By allowing the additional frontage, the property would be a clean straight rectangle rather than an odd shaped parcel.

Vice Chair Martin closed the Public Meeting at 8:42pm

Motion by Blount, seconded by Gass to approve the Variance and allowing the frontage to be 90' with a ratio of 5.5 to 1.

Roll Call Vote

Ayes: Yockey, Blount, Gass, Tanis, Martin, Richey

Nays: None

Abstain: Lengemann

MOTION CARRIED UNANIMOUSLY

8. **OLD BUSINESS – None**

9. **NEW BUSINESS - None**

10. **ADJOURNMENT**

Motion by Martin, supported by Tanis, to adjourn at 8:47 p.m.

MOTION CARRIED UNANIMOUSLY

Respectfully Submitted by:

Lynn Eutsler
Clerk/Treasurer

Approved: