

**OFFICIAL PROCEEDINGS
OF THE
PLANNING-CITIZEN ADVISORY COMMISSION
CITY OF LOWELL, MICHIGAN**

For the Regular Meeting of the Planning-Citizen Advisory Commission August 22, 2005 at 7 p.m.

The Meeting was called to order at 7:00 p.m. by Chairman Jahnke and the Clerk called the Roll.

Present: Commissioners Berry, Grimm, Hall, LaPonsie, Schmaltz, Teelander and Chairman Jahnke.

Absent: Commissioner Dimmick.

Also Present: City Manager David Pasquale, Assistant City Treasurer Lori Gerard, DPW Director Dan DesJarden, Councilmember Jim Hodges, Mayor Jeanne Shores, and Building Inspector Doug Hopkins.

IT WAS MOVED BY LAPONSIE and seconded by GRIMM to excuse the absence of Commissioner Dimmick.

YEA: 7. NAY: 0. ABSENT: 1. MOTION CARRIED.

IT WAS MOVED BY HALL and seconded by LAPONSIE to approve the minutes from the July 25, 2005.

YEA: 7. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #1. **APPROVAL OF AGENDA**. Chairman Jahnke suggested removing Item 6B (Mining Ordinance) until further review is given regarding City Attorney Richard Wendt's comments.

IT WAS MOVED BY HALL and seconded by GRIMM to approve the agenda as amended.

YEA: 7. NAY: 0. ABSENT: 1. MOTION CARRIED.

Item #2. **PUBLIC HEARING**. None.

Item #3. **NEW BUSINESS**

A. **SITE PLAN REVIEW** None.

B. **VARIANCES – RECOMMENDATION TO THE ZONING BOARD OF APPEALS**

1. **807 Bowes – Habitat for Humanity – reduce lot width from 66' to 65'**. Ivor Thomas, Director of Operations for Habitat for Humanity, was present to explain an agreement entered with Mrs. Frances Swearington as part of a settlement which would petition

the City of Lowell to reduce the size of the lot width for the Habitat home at 807 Bowes to 65 feet. Her home currently hangs over the property by .4 feet. Both lots are currently 66 feet, minimum allowed within the City of Lowell. The variance would allow her lot to be 67 feet in width, while the other lot at 65 feet.

Thomas noted it has been previously stated this is a preexisting situation, as well as an extraordinary situation with the window hanging over property line. The variance would allow the neighbor to avoid costly changes to her current structure. The current home owner, whose property is affected, does not object. The setbacks of the house would not be outside of compliance and being 11 feet instead of 12 feet. City Manager Pasquale stated the Habitat lot is currently a conforming lot, in terms of setbacks and lot size. The request is to make a conforming lot at 807 Bowes to a non conforming lot. Every lot in the R2 District requires 66 feet of width.

The Commission reviewed the following criteria:

- A. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district. By a vote of 2 to 5, the Commissioners did not believe this condition had been met.
- B. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. By a vote of 2 to 5, the Commissioners did not believe this condition had been met.
- C. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance. By general consensus, the Commissioners did not believe this condition was met.
- D. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood. By a vote of 6 to 1, Commissioners believed this condition had been met.
- E. The variance will not impair the intent and purpose of this Ordinance. By a vote of 5 to 2, the Commissioners believed this condition had been met.
- F. That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant. By general consensus the Commissioners believed this condition had been met.

IT WAS MOVED BY LAPONSIE and seconded by HALL to recommend denial of the variance request at 807 Bowes.

YEA: 7. NAY: 0. ABSENT: 1. MOTION CARRIED.

City Manager Pasquale noted the ZBA will hold a public hearing on September, 19, 2005.

It was noted the third shed placed on the Swearington property by Habitat will be moved.

Item #4. **ANY OTHER BUSINESS/ON GOING BUSINESS.**

- A. Master Plan Update – review of specifications with Steve Langworthy. The Planning Commission received a letter providing a proposal to update the current Master Plan. Also, on April 26, 2005 an email was received which discusses possible revisions to the scope of services. At the last worksession, it became clear the Commission had no clear sense of direction and requested the help of Steve Langworthy.

Langworthy explained discussion has been held regarding which elements of the plan should be updated. Three options were reviewed involving a light update, full revision or full new plan. A survey tended to be one of the higher cost items. In order to be cost effective, the City could send notices to surrounding communities; develop a focus group and sample using the Planning Commission and Council to develop survey questions. A number of major items can be reviewed and should be included as well as other areas which can be manipulated.

City Manager Pasquale stated there has been discussion of updating the plan over a period of two years.

Langworthy stated essential issues should be chosen. A short training class could also be held which would allow the Planning Commission to perform the land use survey.

Pasquale suggested preparing a list of items and then deciding which should be included.

Langworthy proposed ways of obtaining input from the community without having to tabulate surveys. The Commission needed to decide how much public participation is wanted. He also believed the course of the survey should not dictate the course of the plan.

Pasquale proposed to prepare a bullet list together of what is desired.

Pasquale believed it would cost approximately \$20,000 to \$25,000 to provide a master plan update. He noted there is \$5,000 from a Community Development Block Grant which can be used for the current year.

Jahnke suggested this issue be discussed during the next meeting.

- B. Coordination of balloons display for west side businesses. Chairman Jahnke suggested this item be deferred and taken off the agenda.

- C. Review of Industrial Zoning for property located at the southeast corner of Grand River and Division – It has been requested there be a joint worksession with Lowell Township for September 14, or 28th.

Item #5. **BUILDING INSPECTORS REPORT.** Doug Hopkins noted the report does not include the rehabilitation work on the old Touch of Country building. This has been finalized and approved.

Commissioner LaPonsie questioned the letters sent out regarding pools without fences. Hopkins stated a permit is needed if a pool can hold over 24 inches of water.

Item #6. **PUBLIC COMMENTS.** No comments were received.

Item #7. **COMMISSIONER COMMENTS.** Commissioner Grimm questioned the re-striping on Hudson. DPW Director DesJarden stated it will begin soon.

Commissioner Hall commented on the railroad crossing on Foreman. Also, River City Fire Protection is very dismal looking. It seems there are many items in the lot.

Commissioner LaPonsie questioned the annexation. Pasquale stated a public notice for a State Boundary Commission meeting has not been provided.

Commissioner Teelander was also pleased with the railroad crossing on Foreman.

IT WAS MOVED BY HALL to adjourn at 8:19 p.m.

DATE:

APPROVED:

Clark K. Jahnke, Chairman

Betty R. Morlock, City Clerk