

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

For the Regular Meeting of the Planning-Citizen Advisory Commission SEPTEMBER 25, 2006 at 7 p.m.

The Meeting was called to order at 7:02 p.m. by Chairman Jahnke and the Clerk called the Roll.

Present: Commissioners Berry, Dimmick, Hall, LaPonsie, Mundt, Teelander and Chairman Jahnke.

Absent: Commissioner Doyle.

Also Present: City Manager David Pasquale, City Clerk Betty Morlock, DPW Director Dan DesJarden, Councilmembers Hodges and Shores, and Building Inspector Doug Hopkins.

IT WAS MOVED BY DIMMICK and seconded by HALL to excuse the absence of Commissioner Doyle.

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

IT WAS MOVED BY LAPONSIE and seconded by TEELANDER to approve the minutes from the regular meeting of August 28, 2006 as written.

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

Item #1. **APPROVAL OF AGENDA.**

IT WAS MOVED BY HALL and seconded by BERRY to approve the agenda as written.

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

Item #2. **PUBLIC HEARING.** – None.

Item #3. **NEW BUSINESS**

A. **SITE PLAN REVIEW**

1. Impact Church – 1188 Lincoln Lake – construction of added parking area for new addition. Impact Church is constructing a 6375 square foot addition to house a 284 person new sanctuary. The addition is primarily in Vergennes Township and a building permit has been given.

Within the City, a new 12 parking space lot is provided with a new curb cut opening onto

Lincoln Lake (Hudson) which has been approved by the Kent County Road Commission.

Chairman Jahnke questioned the parking area within the City. It seems the Planning Commission would be considering this on the same basis and criteria for parking spaces as the Commission would if the entire property was in the City. The Commissioners would base the parking on the size of the structure and the capacity load. City Manager Pasquale explained the municipal line travels directly through the middle of the lot. Jahnke questioned how the calculations from Vergennes Township compare with the City's calculations. Commissioner Mundt stated the City requires one space for every three seats. Vergennes provides one space for every four seats.

Pasquale indicated the church will share parking spaces with two commercial businesses to the north and northwest. Mundt wanted to confirm written permission was received.

Mundt believed the site plan should have been presented to the Planning Commission long before ground was broken on that portion of the project. The parking lot should comply with City requirements. The Commission should be imposing every City requirement on a parking lot which is within the City. The building is a separate issue.

Mundt reviewed the site plan requirements for a public facility and noted the following are not shown:

- Site plan does not show any grades
- proposed drainage, therefore it does not indicate pipe sizes
- dimensions of parking spaces, curbing, drive and aisle
- detail on the lighting to determine if it conforms with the lighting requirements
- details on landscaping (City has very specific requirements)

Mundt also noted Section 19.06 of the Ordinance indicates several other requirements which have not been included. Pasquale stated he would request specific information from the engineer regarding the parking lot and present it at the next meeting.

Jahnke stated the parking facility is within the City of Lowell. Therefore, the necessary criteria for building a parking facility within the City of Lowell should have been reviewed regardless of where the actual structure is located.

IT WAS MOVED BY MUNDT and seconded by BERRY to issue a cease and desist order to Impact Church regarding any construction proceeding within the City. The church must present site plan and normal procedures must be followed.

Commissioner Berry did not believe this would be a great expense and wished to see a plan for the parking lot.

Building Inspector Doug Hopkins explained a representative from the church spoke with

him regarding the building permits. Because approximately 200 square feet of the building addition is within the City, it was agreed that it made more sense to acquire building permits from Vergennes Township

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

Mundt read a portion of the ordinance, "Section 19.06 B – Parking Lots" which states "a parking lot landscape plan shall be submitted with any application for a building permit". It refers to a new parking lot being installed next to an old parking lot. This may cause the existing one to be upgraded.

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

1. 420 Kent – Brian McLane – variance to allow keeping four chicken hens on property. Brian McLane petitioned for a zoning variance to allow the keeping of four chicken hens at his residence. According to Section 4.19 C. of the Zoning Ordinance, fowl, rabbits or similar animals may be raised or kept for the owner's use on a lot not less than one-half (1/2) acres, provided the structure containing such animals shall be located not less than fifty (50) feet from all adjoining residential district lot lines or uses. The property is less than a half acre and therefore a variance was requested.

A public hearing before the Zoning Board of Appeals is scheduled for October 2, 2006. A recommendation from the Planning Commission had been requested.

Commissioner LaPonsie questioned if it would make a difference if such animals were housed in a garage or inside a structure. City Manager Pasquale responded no.

McLane presented his request to the Commission. His family has grown attached to the chickens which are kept for the use of egg production. The chickens are housed in a structure which is 50 feet away from all property lines except one neighbor (who granted approval) and one vacant piece of property. McLane believed the hens would have minimal impact on the neighborhood.

Commissioner Mundt asked if the .4 acres included all the lots mentioned on the application. McLane responded it is both lots together. However, each are taxed as separate entities.

Chairman Jahnke noted a variance stays with the property.

Hall asked if he was correct in assuming a structure can not be placed on a lot which does not have a house. Jahnke responded correct.

The Commission reviewed the following criteria necessary in order to grant a variance.

- 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 general consensus, the Commission did not believe this criteria 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 general consensus, the Commission did not believe this criteria 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 Commission did not believe this criteria had been met.
- D. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood. By general consensus, the Commission did not believe this criteria had been met.
- E. The variance will not impair the intent and purpose of this Ordinance. By general consensus, the Commission did not believe this criteria 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 Commission did not believe this criteria had been met.

IT WAS MOVED BY HALL and seconded by BERRY to recommend to the Zoning Board of Appeals denial of the variance request at 420 Kent allowing the keeping of four chicken hens on the property.

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

- 2. 403 N. Monroe – Jeffrey Werner – setback variance to construct a garage. Jeffrey Werner secured a building permit to build an unattached garage for his newly owned residence located at the northeast corner of N. Monroe and King. The 22' x 26' accessory building was under construction. But, it was discovered that the ten foot required distance between the house and garage was not met (approximately three feet).

As an alternative, an attached garage was proposed requiring a six foot side yard (north) setback. Four feet has been provided and thus a variance was petitioned. At its September 21 meeting, the ZBA granted the variance.

But upon further consideration, Werner would rather have an unattached garage require a variance from Section 4.08 F.1. (detached accessory buildings shall be

located ten feet from any main building). A public hearing has been established for October 16 for this variance. A recommendation from the Planning Commission is requested.

Werner explained he received his building permit in July after consultation with City Manager Pasquale regarding the street setback and with Zoning Administrator, Brian MacCartny as to what was needed to secure a building permit on his lot. He then submitted a plan with these requirements, it was approved and he began construction. He then received a letter from MacCartny stating a mistake was made and construction must stop.

At the suggestion of the building department, he requested a variance for the side yard setback. He asked if the side yard variance was granted, could he reapply for unattached garage. The answer was yes.

Commissioner Mundt questioned the distance the garage is from the east side yard property line. Werner responded approximately 4 feet.

Commissioner Berry inquired regarding the size of the garage. Werner stated it would be 22' x 26'.

Commissioner LaPonsie asked what needed to be completed to attach the garage to the house. Jahnke asked if the foundation which has already been placed would meet the requirements for the garage being attached. Hopkins explained the ground is sand. Therefore, a shallower foundation is allowed. As discussed during a Council meeting, the attachment could be achieved by running post next to the building and installing a roof on the rafters and taking it over to the house. The weight of the breezeway roof would actually be resting on the poles and not the garage foundation.

Hopkins commented on the question from Mundt regarding the east side property line. He stated the house already has an established line. He read from Section 413.1 stating "a non conforming residential structure may be increased as long as a parallel line of the structure does not encroach any closer to the conditions that presently exists". By doing so, they may not create any new non conformity's on any other setback requirements. He explained the house already set the setback and is behind the house, which is why this is not an issue.

The Planning Commissioners reviewed the following necessary criteria for granting a variance.

- 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 6 to 0, the Commissioners believed this criteria was met.

- B. That the condition or situation of the specific piece of property for which the variance is sought 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 6 to 1, the Commissioners believed this criteria 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 a vote of 5 to 2, the Commissioners believed this criteria had been met.
- D. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood. By a vote of 4 to 3, the Commissioners believed this criteria had been met.
- E. The variance will not impair the intent and purpose of this Ordinance. By a vote of 4 to 3, the Commissioners believed this criteria 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 a vote of 5 to 2, the Commissioners believed this had been met.

IT WAS MOVED BY MUNDT and seconded by LAPONSIE to recommend approval of a setback variance to construct a garage at 403 N. Monroe.

YEA: 6. NAY: 1. (Berry) ABSENT: 1. MOTION CARRIED.

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

- A. Review of the Off Street Parking Lighting Section of the Zoning Ordinance – Committee Update. Chairman Jahnke stated no progress has been made. The issue should remain on the agenda.
- B. District regulation for single family dwellings in the R-3 Residential District – committee update. Commissioner LaPonsie explained the committee met to discuss the R-3 District. The description and purpose of R-3 list single family dwellings as a use by right. However, under district regulations it does not refer to single family homes. Should the R-2 requirements be carried over to the R-3? It was decided this should not happen. However, when reviewing the requirements from the other districts, a few issues were discovered. First, the R-1 District has a minimum lot width of 75 feet, while R-2 District has a minimum lot width of 66 feet for a single family home. The committee believed the two should be the same and change the R-1 minimum lot width to 66 feet.

LaPonsie questioned if the minimum lot width in the R-2 District for two family and multiple family dwellings should also be changed to 66 feet. She noted most of the homes in this district

are two family and multi-family homes used as apartments. She said this is creating a non conforming lot, by having 100 feet. The same issue applies to the R-3 District. Should such dwellings be changed to 66 feet or left with a setback of 80 and 100 feet?

Pasquale reviewed the issues discussed stating the minimum lot area for the R1 District is 8200 square feet and the minimum lot width is 66 feet. The minimum dwelling floor area (DFA) was changed to match the R2 District single family dwelling. Pasquale confirmed it is 1000 square feet and 700 square feet on ground floor. Pasquale said for R2 the minimum lot area would be 8200 square feet and the minimum lot width for single family would be 66 feet and minimum floor area would be 1000 square feet of DFA for one and two family dwellings. Pasquale confirmed R1 is 8200 square feet and the lot width is 66 square feet with 1000 square feet in DFA.

Jahnke requested this be presented as an amendment for the next meeting. Pasquale stated it would be placed in ordinance form. Jahnke suggested a public hearing be held in November.

By general consensus, the Commissions agreed to move forward and place the changes in ordinance form for further discussion.

- D. Master Plan Update. City Manager Pasquale stated the surveys have been mailed out. The response has been great.

Item #5. **BUILDING INSPECTOR'S REPORT.** Building Inspector Doug Hopkins referred to the review of changing the setbacks for multi and two family dwellings. He wanted the Commission to keep in mind the ordinance does require a storage building (minimum 200 square feet) for all new structures. This concerned him regarding the setbacks.

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

Item #7. **COMMISSIONER COMMENTS.** Commissioner Teelander questioned if it was possible to receive the Planning Commission agenda packets on Thursdays instead of Fridays. City Clerk Morlock explained the agendas are completed on Fridays, in case a last minute issue arises. City Manager Pasquale stated there is a time frame when submitting site plans, but for other items there is no set policy. Chairman Jahnke believed it would be reasonable to establish a deadline when submitting issues for the agenda. City Manager Pasquale stated City staff would do their best.

IT WAS MOVED BY DIMMICK and seconded by TEELANDER to establish a policy that all matters which come before the Planning Commission must be submitted to the City Clerk one week prior to the regularly scheduled Commission meeting.

YEA: 6. NAY: 1. (Hall) ABSENT: 1. MOTION CARRIED.

Chairman Jahnke suggested this be advertised at City Hall. He also suggested City staff target on

getting the packets to the Commission on Thursdays.

Commissioner LaPonsie commented the meeting she and several other representatives from the City attended at the MSU Extension office. The meeting involved what it takes to be a "cool city". She was encouraged to see the City of Lowell is already doing several of these items.

Commissioner Dimmick referred to the individual who owns the building on the corner of Jefferson and Main. The owner indicated he would clean the property up over Labor Day weekend. However, it has not improved. Commissioner LaPonsie also commented on the old Chamber building across the street. The pavement is looking very bad. City Clerk Morlock explained there is an estate issue.

Dimmick also referred to the check list when issuing a variance. It is very difficult to understand. Pasquale explained much of the language was taken from the Zoning Enabling Act, which is a requirement of the State. However, he would check further in this. Commissioner Mundt believed there had to be a translation.

Mundt referred to the new Maintenance Code and asked if the Commissioners could have a copy. Hopkins noted there is a copy write associated with the code.

Mundt stated he would provide the information he received from the City of Grandville regarding the length of a building permit at the next meeting.

Mundt questioned the building being constructed at the old football field. A building permit was issued. However, there was no site plan presented. Hopkins did not believe the plan needed to come before the Commission, because it is school related.

Pasquale suggested anyone with an idea or concern should call City Hall prior to the meeting. It will help in terms of enforcement or concerns.

IT WAS MOVED BY HALL to adjourn at 8:44 p.m.

DATE:

APPROVED:

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Clark K. Jahnke, Chairman

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Betty R. Morlock, City Clerk