

Zoning Board of Appeals

Regular Meeting Minutes

Monday, September 28, 2015
7:00 p.m., City Council Chambers



City of South Haven

1. Call to Order by Lewis at 7:00 p.m.

2. Roll Call

Present: Miller, Paull, Stegeman, Wheeler, Lewis
Absent: Boyd, Bugge

3. Approval of Agenda

Motion by Paull, second by Stegeman to approve the September 28, 2015 agenda as presented.

All in favor. Motion carried.

4. Approval of Minutes – August 24, 2015

Motion by Miller, second by Wheeler to approve the August 24, 2015 regular meeting minutes as written.

All in favor. Motion carried.

5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

There were none.

6. Old Business – Phillip Freeman of South Haven, MI is returning to the ZBA in his attempt to obtain a variance from Zoning Ordinance Section 2406 (Overlay Zone Landscaping) for his property at 807 Lagrange Street. Mr. Freeman was asked by the ZBA to present options for landscaping.

Motion by Paull, second by Stegeman to remove the item from the table.

All in favor. Motion carried.

Anderson noted that at the last meeting, Mr. Freeman was asked to come back with some ideas for landscaping. It was generally agreed at that meeting that the Zoning Board of Appeals was not going to require the removal of any concrete but was just looking for some landscaping to break up the view. Mr. Freeman came back with a plan, showing large potted plants, a tree and some flowering plants. Anderson thinks this is fine and wants to be sure there is something in the pots that will be there year around. Anderson noted, "This is admirable considering what he had to work with."

Anderson recommended that part of an approval would be that the fence be painted, straightened and existing landscaping cleaned up. Wheeler asked whether there were any specifics about the fence in the proposed plan to which Anderson responded that there were not, but the board can make the fence details part of the motion.

Philip Freeman, 18400 72nd Street, South Haven. Noted that the proposal he made is based on what Anderson suggested; that he went out and looked at the Vineyard and Joe's Bar & Grill and put together something comparable. Freeman indicated that there are six (6) pots about twenty inches (20") in diameter and about twenty inches (20") high and that he can plant something that will stay green all year round. Indicating the proposed tree at the corner of Willow and LaGrange, Freeman noted that he needs to verify that it is not in city property.

Lewis asked about along Willow, noting that the plan does not show anything along Willow. Freeman stated that he looked at the Vineyard and they do not have anything along the line to the north so he concentrated on LaGrange. Freeman noted that the good side of the fence is to the east.

Paull pointed out that the plan as presented has no barrier between Willow, a residential street, and the business. Wheeler noted there is a business across the street and asked whether they have plantings.

Paull noted that the philosophy of the overlay zone is to try to make things more attractive and soften the line between residential and business districts. While Paull stated that while he does not expect the paving to be torn up, there needs to be at least a couple of pots along Willow. Paull reiterated that the overlay zone was built to make the businesses more attractive in the entrance of the city and to residential areas. His suggestion is to add some pots along the line of Willow.

Freeman responded, "That's doable; not a problem."

Chuck Bodfish, business owner leasing subject property: "We were so busy the other day we had cars every which way, had cars everywhere, almost on the street. We would have a problem if we had that many cars very often. By this landscaping requirement, we are cutting the parking lot down rather badly."

Paull asked, "Isn't it an in and out business?" Bodfish responded that the dealerships are sending lot cars which are in addition to the regular customers. Bodfish also noted, "We have to figure out how to plow around the pots, too. Those pots will be so close to the road it will be hard to plow; they'll be buried in snow. It's hard to mow that grass; it's so close to the road."

Lewis pointed out that the board is requiring a lot less than the actual overlay zone.

Miller asked if it would be helpful to cluster some of the pots and Bodfish agreed that perhaps along Willow that would work. Lewis suggested grouping pots around the light poles which Miller said might solve the issue with the parking. Lewis suggested along the west curb cut to break up the visual coming down Willow.

Philip Freeman. "Along LaGrange where the light poles are, which are not currently being used, would hanging baskets on the light poles work?" Anderson said that would be counter to city code to hang, tack or place anything on the city poles.

Motion by Miller, second by Stegeman to close the public hearing.

All in favor. Motion carried.

Miller noted that it appears to him that Mr. Freeman's application, as presented, meets his obligation in terms of the number of trees/pots. Lewis said the letter of the law is a twenty foot (20') green space so his obligation is what we say it is. Miller said at the last meeting it was suggested that ten [tree] units would satisfy the board.

Stegeman agreed and said he is ready to make a motion to approve. Lewis said he believes that putting them along the light poles on LaGrange looks very good. Stegeman pointed out that the city put those bump outs along the city streets which are always getting hit by plows and questioned whether that was good planning for a city in Michigan. Miller suggested that the board accept the application as presented with the agreement that the applicant can handle Willow Street by clustering some pots.

Motion by Miller, second by Stegeman to approve the proposed landscaping with the addition of pots on Willow as discussed.

Wheeler asked about the fence. Freeman showed a picture and suggested painting the fence as shown. After discussion, Lewis suggested adding to the motion that the fence be maintained with a paint or stain coat to keep it in good shape.

Sherry Bodfish indicated that the fence is not on their property, and wondered if they need to get permission of the property owner to maintain it. Freeman also stated that the fence is not on the subject property. Lewis suggested the requirement for the fence be removed. Paull reiterated that what is in the pots should be year-round green.

Lewis noted that it needs to be added that the extenuating circumstances of the size of the easements and the amount of paving makes it a hardship to comply with the requirements of the overlay zone. Paull added that if any substantial changes are made to the property the landscaping requirements in the overlay zone would start over at square one. Discussion ensued regarding substantial changes including such things as additions to the building, removal of paving or a new building.

In response to the discussion, Wheeler made a motion to amend Miller's motion giving consideration to the hardships specific to the property, with the addition of two potted plants on the Willow Street side and the stipulation that some of the plants in each pot be year-round plants and properly maintained. Stegeman seconded the motion.

A roll call vote was taken to approve the motion as amended:

Yes: Miller, Paull, Stegeman, Wheeler, Lewis

Nays: None

Motion carried.

7. Commissioner Comments

Paull: We are struggling with the overlay zone. It seems to be the most frequent request we are getting. Let's be real careful as we consider these that some aspects of that zoning district are honored because it will make a difference to the look of the city.

Wheeler said we want to be sure to have each applicant "stretch" a little.

Anderson: Next month we have a really big agenda. Woodhams' Ford is coming in and they need two or three variances; we have two new houses going in both of which need variances. One of those is in the area over by Oak Court where there are fifty foot (50') lots with twenty-five foot (25') side setbacks. We may have a couple more applications on the way. Before that meeting we possibly are going to have an alternate appointed. If someone cannot make it to the meeting, the alternate will fill in as a voting member. The alternate will get the agenda, will attend the meetings and if needed will fill in.

Lewis noted that we used to have two alternates to which Anderson responded that there should be two alternates on this board and two on the Planning Commission. Anderson also asked board members to let her know if they think of someone who might be interested.

8. Adjourn

Motion by Miller, second by Stegeman to adjourn at 7:32 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary