



CITY OF CHELSEA

ZONING BOARD OF APPEALS AGENDA

JUNE 17, 2015, 5:00 P.M.
COUNCIL CHAMBERS, 311 SOUTH MAIN ST.
CHELSEA, MI 48118

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Approval of the Minutes for January 21, 2015

NEW BUSINESS

VARIANCE 15-2:

An application has been filed by **RICK DETROYER** of **242 E. MIDDLE STREET** for a variance from **SECTION 10.08(C.)** Ordinance No.166 (Zoning Ordinance), to substitute a con-conforming use (previously Heller Electric Supply) with another non-conforming use (proposed art studio and workshop) in the C2 zoning district and also the applicant has applied for a variance from **SECTION 5.16(E.1.A.)** Ordinance No.166 (Zoning Ordinance) in order to install one security/motion light on the south side of the building.

ADJOURNMENT



CITY OF CHELSEA

Zoning Board of Appeals Meeting Minutes June 17, 2015 Council Chambers 311 S. Main Street, Chelsea, MI

Members Present: Tom Osborne (Chairman), Charles Schauer, Jasen King and Marcia M. White

Others Present: Rick DeTroyer, James Myles (City Council Liason) and Christine Linfield (City Staff)

Chairman Osborne called the meeting to order at 5:01 pm.

Chairman Osborne read the draft minutes from the January 21, 2015

Motion by White, seconded by King, to approve the minutes of January 21, 2015 as read. Motion passed all ayes.

Item 15-02:

Chairman Osborn introduced a variance application that was filed by Rick DeTroyer of 242 E. Middle Street for a variance from Section 10.08(C.) and Section 5.16 (E.1.A) of Ordinance No. 166 (Zoning Ordinance), to substitute a non-conforming use at 20701 W. Old US 12 (previously known as Heller Electric Supply) with another non-conforming use (proposed art studio and workshop) and to also install one security/motion light on the south side of the existing building.

In addition to what was in the variance meeting packet, Rick DeTroyer handed out a larger sketch of the site for the ZBA Board to review.

Mr. DeTroyer is proposing to use portions of the building as an art studio and workshop for creating his art which is primarily comprised of making sculptures from found items. His is proposing to do no welding onsite, all materials to be stored inside, patch the existing roof, perform maintenance on the building for current owner, proposing a

maximum of four parking spaces on gravel parking lot, proposing that client visit by appointment, display five finished sculptures in landscaped garden settings along with possibly four art events at the site per year.

Christine Linfield informed the Zoning Board of Appeals of the limitations on the site that have been obstacles for other conforming uses in the C2 district to occupy this location. She reported that the lot is non-conforming due to having no street frontage, the structure is non-conforming due to the large building exceeding lot coverage and not meeting minimum setbacks to property line, and that the parking requirements for the permitted uses listed in the C2 district would require site plan review to bring the existing gravel parking lot into compliance.

Ms. Linfield also advised the Zoning Board of Appeals of several conditions that could be made part of the motion if the board chose to approve the variance request.

Chairman Osborne opened the public hearing. There was one member of the public present who did not give their name. She asked what side of the building the security light would be mounted and also what areas of the property the outdoor sculptures would be displayed.

Motion by King, Second by White, to approve variance request 15-2 with the following conditions:

1. No welding will be done on site.
2. Hours of operation will be from 8:00 am to 7:00 pm all days of the week.
3. All materials to be stored inside the building.
4. Maximum of four outdoor events per calendar year, provided that a parking plan be submitted to, and approved by, the Planning & Zoning Administrator showing all parking to be on gravel lot.
5. Removal of the Heller Electric sign.
6. Maximum of five outdoor sculpture displays.
7. No art classes or other classes to be taught onsite.
8. Apply for fence permit.
9. Light fixture detail to be submitted and approved by staff.

Motion by Schauer, second by White to adjourn the meeting at 5:48 p.m.

Respectfully submitted,



Christine Linfield
Planning, Engineering, Zoning & Community Dev. Dir.



CITY OF CHELSEA

Zoning Board of Appeals Meeting Minutes January 21, 2015 Council Chambers 311 S. Main Street, Chelsea, MI

Members Present: Tom Osborne (Chairman), Charles Schauer, Jasen King and Marcia M. White

Others Present: Utpal Patel (Chelsea Milling Company), John Powers (Chelsea Milling Company), Brian Harper (Chelsea Milling Company), George Bachnivsky (MSKTD & Associates), Jim Myles (City Council Liason), Robert Ponte (Resident), and Christine Linfield (City Staff)

Chairman Osborne called the meeting to order at 5:00 pm.

Chairman Osborne read the draft minutes from the August 20, 2014 ZBA meeting.

Motion by White, seconded by Schauer, to approve the minutes of August 20, 2014 as read. Motion passed all ayes.

Item 15-01:

Section 3.08 – An application was filed by Chelsea Milling Company for a variance to increase the maximum height of buildings from (40 feet) to (115 feet-6 inch) to allow the construction of a new mixing tower. The tower is to be located at the Chelsea Milling Company facility located at 201 W. North Street.

Chairman Osborne opened the public hearing. Robert Ponte expressed his concerns over the ability of the Chelsea Area Fire Authority to fight fires at this height due to the ladder truck only being 105 ft tall. He also expressed concerns over dust and combustibility of grain. Chairman Osborne, based on his years of experience as a Chelsea fire fighter, clarified that the height of the equipment along with the reach of the water stream is more than adequate to reach the top of the structure.

George Bachnivsky presented the mixing tower information on behalf of Chelsea Milling Company. Mr. Bachnivsky clarified that the mixing tower is not a grain silo and that there is not a combustibility problem because the grain is mixed internally in an enclosed system that is fully sprinklered and because it is a self-contained system there is no dust.

Mr. Bachnivsky also reported to the Board that the increase in height is needed due to the change in technology of commercial mixing which uses vertical operations as an industry standard. The new technology works more efficiently with gravity, improves employee safety and produces a better product.

Motion by White, Second by King, to grant Chelsea Milling Company the variance to increase the maximum building height from (40 feet) to (115 feet- 6 inch) for the proposed mixing tower located at 201 W. North Street. All Ayes. Motion Passed.

Motion by White, Second by Schauer, to set the ZBA 2015 meeting schedule for the 3rd Wednesday of each month, as needed, at 5:00 pm with all meetings being held located in the City Municipal Building (City Council Chambers) at 311 S. Main Street.

Motion by White, second by King to adjourn the meeting at 5:30 p.m.

Respectfully submitted,

Christine Linfield
Planning, Engineering, Zoning & Community Dev. Dir.



CITY OF CHELSEA

NOTICE OF VARIANCE HEARING

An application has been filed by **RICK DETROYER** of **242 E. MIDDLE STREET** for a variance from the ZONING BOARD OF APPEALS as defined in **SECTION 10.08(C.)** Ordinance No.166 (Zoning Ordinance), **TO SUBSTITUTE A NON-CONFORMING USE (previously Heller Electric Supply) WITH ANOTHER NON-CONFORMING USE (proposed art studio and workshop) IN THE C2 ZONING DISTRICT** and also applicant has applied for a variance from **SECTION 5.16(E.1.A.)** Ordinance No.166 (Zoning Ordinance) **IN ORDER TO INSTALL ONE SECURITY/MOTION LIGHT ON THE SOUTH SIDE OF THE BUILDING.**

The property is described as follows:

TAX CODE: # 06-06-13-140-008
20701 W. OLD US 12, CHELSEA, MICHIGAN

Pursuant to the procedure for a variance request: a Notice of Hearing shall be at least fifteen (15) days prior to the date of such hearing, upon the party or parties making the request for appeal, and all owners of record of property and occupants of property located within three-hundred (300) feet of such premises in question.

You are herein notified that a hearing will be held by the Chelsea Zoning Board of Appeals on **Wednesday, June 17, 2015**, at 5:00 o'clock P.M. or as soon thereafter as possible, in the Chelsea City Council Chambers, located in the Chelsea Municipal Building, 311 S. Main Street, to consider objections to said request.

The petition is on file in the office of the Planning and Zoning Department, 305 S. Main St., Suite 100, Chelsea and may be examined prior to the date of the hearing.

Persons requiring reasonable accommodations to disabilities in order that the hearing be accessible to them, are requested to notify the Zoning Board of Appeals Chairman no later than five (5) business days prior to the date of the hearing of such disability.

DONALD T. OSBORNE, CHAIRMAN
ZONING BOARD OF APPEALS

Zoning Boards of Appeals Application
City of Chelsea
Washtenaw County, Michigan

Date MAY 15, 2015

APPLICANT(S) NAME (print) Rick DeTroyer

APPLICANT(S) ADDRESS 242 E. Middle St.
Chelsea, Mi.

PHONE# 734-476-4024

Type of Appeal – The Appeal made herewith is for:

- A Variance from the Zoning Ordinance
- An interpretation of the Zoning Ordinance

For the following reasons: See attached letter.

NOTE: By signing this appeal application, you are stating that you have had the opportunity to read the Automatic Stay Rule governing the Board of Review's decision and that you understand the rule.

Date: 5-15-15 Applicants signature: Rick DeTroyer

THE APPLICANT(S) ARE: OWNER(S) OF THE PROPERTY INVOLVED.
 ACTING ON BEHALF OF THE OWNER(S) OF PROPERTY INVOLVED

Fee received: \$ 225 by the Planning & Zoning Inspector Christina Linfield

For Variances from the Zoning Ordinance

Address of the Property involved: 20702 W. Old US-12

Indicate the provisions(s) of the Zoning Ordinance that are being addressed in this appeal. **DO NOT** Quote the Ordinance. Indicate the Article, Section, Subsection and Paragraph in question:

See Attached letter.

For Applications for Appeal of the Interpretation of the Zoning Ordinance

PLEASE PRINT OR TYPE (If additional space is needed use the back or a separate sheet)

I/We _____ of _____

_____ Hereby appeal to the Zoning Board of Appeals from the decision of the Zoning Inspector on Application No. _____, dated _____, 20____, whereby

- () A Zoning Compliance Permit was () Granted () Denied
- () A Certificate of Occupancy was () Granted () Denied

To: _____

Address of the Property involved: _____

Legal Description: _____

Indicate the provisions(s) of the Zoning Ordinance that are being questioned or addressed in this appeal. **DO NOT** Quote the Ordinance. Indicate the Article, Section, Subsection and Paragraph in question:

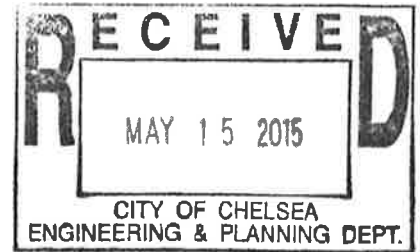
FOR ZONING BOARD OF APPEALS USE ONLY

At the meeting of the Zoning Board of Appeals on _____ 20____, the appeal described on this form was considered and the Board determined that the

- () Zoning Compliance Permit
- () Certificate of Occupancy

was ()Granted or ()Denied for the following

reasons: _____



242 E. Middle St. Chelsea, Mi. (734) 476-4024 Rick@ricksironart.com

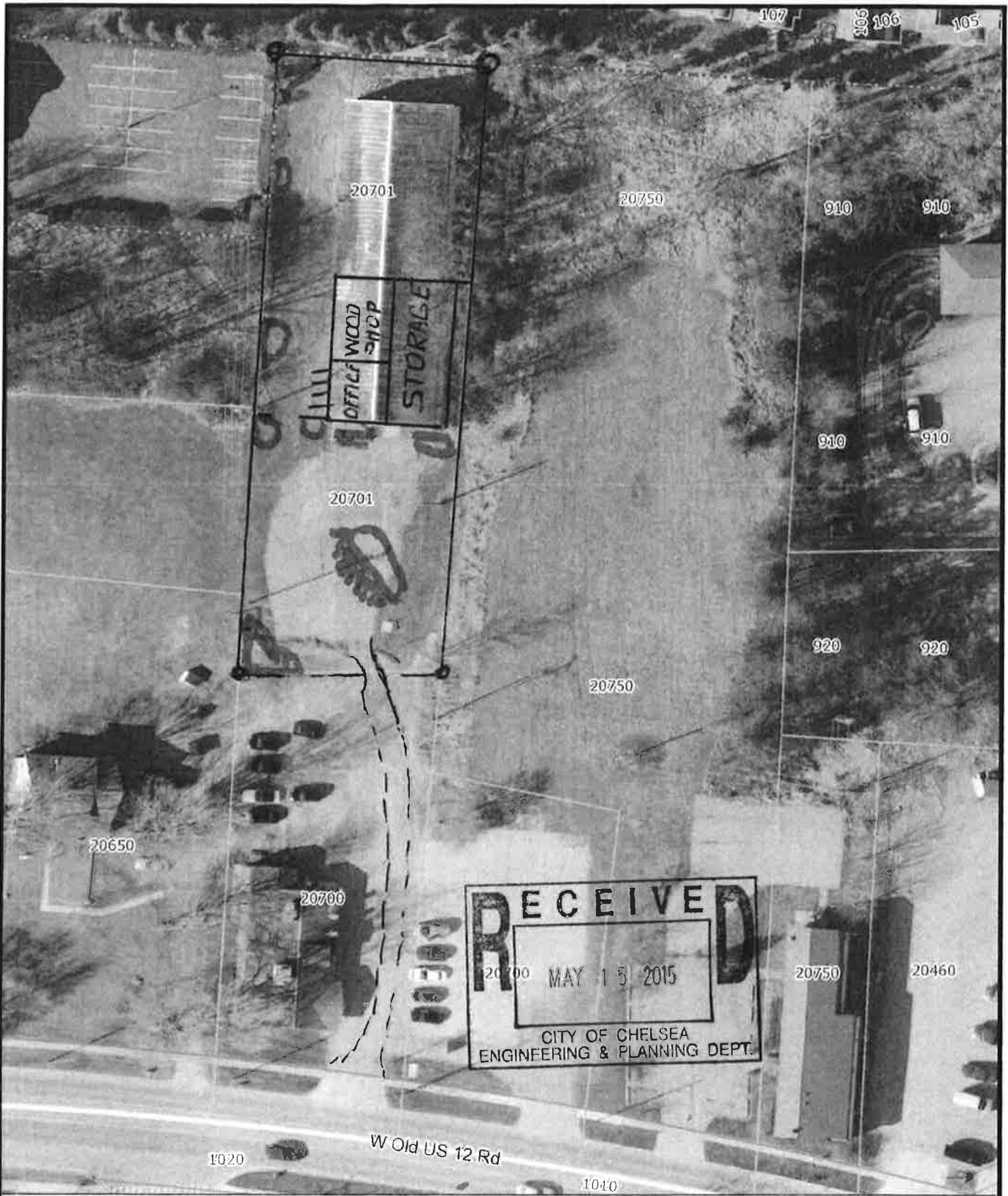
Application for a variance to replace non-confirming use with a lesser non-confirming use. Per Sec. 10.08 C of zoning ordinance. Also a variance from sight lighting Sec.5.16 E-1-A for a security /motion light.

Introduce myself: Metal sculptor...Co-founded the Chelsea Sculpture Walk, numerous pieces of art about town and in local gallery,etc..

20701
The intent of this application is to re-purpose the existing building at ~~20702~~ W. Old US-12 and the outside grounds and sight. Improving it from the existing over grown weed field and unoccupied building. To an art studio to produce "found object" art. This is my style. Natural and re-purposed that needs a garden backdrop setting to show my completed sculptures here in the town. I would use most of this inside space to store found object materials used in my work. I would maintain a working wood shop in the smaller (20 ft. X 40 ft.) divided room and offices in front room. I would host clients "by appointment" meetings as I am retired and don't work full-time. This operation would generate a max of 4 parking spaces, behind the privacy fence added to the front West side of building, which will not trigger site plan review and the paving of the lot.

I would like to show my completed work outside in the garden setting for display. If I could I would also like to "host by invitation", 4 season event "art shows". A season event might consist of showing one to two other artist's work. A small intimate event with an invitation only max. of 20 to 30 people over the day event. The site plan would have space for "Park on grass" for this event.

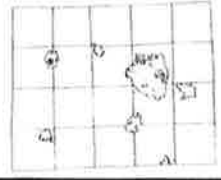
SITE PLAN 20702 OLD US-12



RECEIVED
 20700 MAY 15 2015
 CITY OF CHELSEA
 ENGINEERING & PLANNING DEPT.



© 2013 Washenaw County



5/11/2015



NOTE: Parcels may not be to scale.
 The information contained on this cadastral map is used to locate, identify and inventory parcels of land in Washenaw County for appraisal and taxation purposes only and is not to be construed as a "survey description". The information is subject to the understanding that the purchaser shall verify information for itself and assume the responsibility for any survey or other legal value of the lands hereby described.

THIS MAP REPRESENTS PARCELS AT THE TIME OF PRINTING. THE OFFICIAL PARCEL TAX MAPS ARE MAINTAINED SOLELY BY THE WASHENAW COUNTY REGISTRATION DEPARTMENT AND CAN BE OBTAINED BY CONTACTING THAT OFFICE AT 734-322-6663.



242 E. Middle St. Chelsea, MI. (734) 476-4024 Rick@ricksironart.com

Application for a variance to replace non-confirming use with a lesser non-confirming use. Per Sec. 10.08 C of zoning ordinance. Also a variance from sight lighting Sec.5.16 E-1-A for a security /motion light.

Introduce myself: I Todd Britton owner, have a yearly lease with Rick De Troyer for the use of 20701 Old US-12 property for an art studio. I give my permission to him to apply for a variance to replace non-confirming use with a lesser non-confirming use.

Todd Britton  _____ 5-15-2015

NONCONFORMITIES

10.08 (A) Cont.

EXPANSION AND SUBSTITUTION

limits shall not be expanded without removing the nonconformity.

2. The existing and proposed uses of such structures shall be permitted in the district in which located.
3. The proposed improvements shall conform to all regulations of the district in which located.
4. The Zoning Board of Appeals shall determine the following in approving a request: that retention of the nonconforming structure is reasonably necessary for the proposed improvement, or that requiring the removal of such structure would cause undue hardship; that the proposed enlarged or otherwise improved nonconforming structure will not adversely affect the public health, safety, and welfare; and that the proposed improvement is reasonably necessary for continuation of the use on the lot.
5. The Board of Appeals shall have authority to require reasonable modifications of the nonconformity as a condition of approval. The Board of Appeals may attach other conditions of its approval that it deems necessary to protect the public health, safety and welfare.
6. All expansions permitted under this subsection meet all requirements of site plan review, herein.

B. A structure that does not conform to zoning ordinance regulations shall not be substituted for, or replace, any conforming or nonconforming structure.

~~A~~ C. A nonconforming use of a structure may be substituted for another nonconforming use upon approval by the Zoning Board of Appeals, provided that such other nonconforming use is more appropriate than the existing nonconforming use in the district in which it is located. The Zoning Board of Appeals may attach conditions to its approval.

SECTION 10.09 UNSAFE STRUCTURES

Nothing in this Ordinance shall be deemed to prevent the improvement, maintenance or reinforcement of a building or structure declared to be unsafe by any official charged with protecting the public safety, upon the order of such official.

SUPPLEMENTARY REGULATIONS

5.16 (C) Cont.

SITE LIGHTING

11. Shielded Fixture - Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, i.e. a shoebox-type fixture. A luminaire recessed in a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this ordinance.

D. Submittal requirements - The following information must be included for all site plan submissions. Where site plan approval is not required, some or all of the items may be required by the Planning and Zoning Administrator prior to issuance of a zoning compliance permit:

1. Location of all freestanding, building-mounted and canopy light fixtures on the site plan and building elevations.
2. Photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in footcandles).
3. Specifications and details for the type of fixture being proposed including the total lumen output, type of lamp and method of shielding.
4. Use of the fixture proposed.
5. Any other information deemed necessary by the Planning and Zoning Administrator.

E. Standards - Unless exempted under Subsection F, all lighting must comply with the following standards:

1. Freestanding Pole Lighting and Building Mounted Lighting
 - A*a. Lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity of light within a site shall not exceed ten (10) footcandles or one (1) footcandle at a property line, except where it abuts a residentially used or zoned lot, in which case a maximum of 0.5 footcandles

PLEASE SIGN IN
City of Chelsea
Zoning Board of Appeals Meeting
June 17, 2015

NAME

ADDRESS

Rick DeTroyer

242 E. Middle St. Chelsea, Mi