



CITY OF CHELSEA

ZONING BOARD OF APPEALS

AGENDA

SEPTEMBER 21, 2005

5:00 P.M.

CITY OFFICES

305 SOUTH MAIN ST.

CHELSEA, MI 48118

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

- Approval of the Zoning Board of Appeals Minutes for August 17, 2005.

APPROVAL/CHANGES TO AGENDA

OLD BUSINESS

NEW BUSINESS

#05-05 - An application has been filed by Michele Balaka of Tree House Ventures Inc., who is seeking to appeal the interpretation of the Zoning Ordinance which does not permit indoor amusements in the C-5 Central Business District. The property is described as follows: Tax Code: # 06-06-12-111-003 320 N. Main Street, Chelsea, MI

CORRESPONDENCE

ADJOURNMENT



CITY OF CHELSEA

City of Chelsea Zoning Board of Appeals September 21, 2005

Meeting called to order at 5:00 p.m. by Harry Thurkow

Members present: Vice Chairman-Harry Thurkow, Dewey Ketner, Richard Bauer, Charles Schauer, Rita Holmes

Others Present: John Wyeth from Mckinley Properties, Petitioners Jeff and Michele Balaka, Dawn and Louis Glah, Planning and Zoning Administrator James Drolett, and City Manager Michael Steklac

Motion by Richard Bauer, 2nd by Charles Schauer to approve the minutes of the previous meeting. Motion passed all ayes.

Item # 05-04 – An application has been filed by Michele Balaka of Tree House Ventures Inc., is seeking to appeal the interpretation of the Zoning Ordinance which does not permit indoor amusements in the C-5 Central Business District. The property is described as follows: Tax Code: # 06-06-12-111-003 320 N. Main Street, Chelsea, MI

Harry Thurkow
Richard Bauer
Charles Schauer

Petitioner Michele Balaka, explained the outline of their business plan and said the business would be mainly a pizza restaurant with the play structure being an accessory use for the business. 70% of the profits would come from the food business, and 30% would come from the play structure entrance fee. There will be seating for 144 people, and they contend that the establishment is a restaurant with the play structure being an accessory use that would take up approximately 20% of the space. Harry Thurkow expressed his concern that the play structure could become a primary destination. He also wanted to know why if this was an accessory use, they were charging an admission fee. Ms. Balaka said it was to help cover the cost of the structure. In addition, other ZBA members explained that if allowed, it opens up the door for other type of amusements in that area such as coin operated machines. Even though that is not part of the petitioners business plan, if the business were ever sold, it does not prevent new owners from adding that type of amusement.

John Wyeth from Mckinley properties said this is the type of business they are looking for in their property, and it would also help to get people down to that location. He went on to say there are three other restaurants just like it in the state, and they are all considered restaurants.

The question was asked why that location was chosen when there are other locations in the City that would allow this type of establishment. Michele Balaka said that they chose the Clock Tower because of the natural lighting, the height of the building, the location, and the architecture.

City Manager Mike Steklac explained that part of the problem is that Indoor Commercial is not really defined specifically in the Ordinance, and even where this type of establishment is allowed, it is not that well defined. He wonders if they would still be allowed to have the structure if no fee was charged.

Chuck Shauer explained that the reason they were here tonight was to determine if the Zoning Administrator had made an error in his interpretation of the Ordinance.

Harry Thurkow asked Jim Drolett what his interpretation of the Ordinance was. Jim said that based on the information that is available in the Ordinance, his interpretation is that those types of use are not allowed in that zoning district which is C-5, It is allowable in C-2, C-3 & C4. Mr. Drolett went on to say that the Zoning Board of Appeals does not have the ability to grant a use variance. The petitioners would have to file for a Public Hearing to change the Zoning Ordinance. Chuck Shauer that the Planning Commission might just be able to add an addendum to that district.

A motion was made by Chuck Shauer that the interpretation given by the Zoning Administrator is correct based on the information that is given in the Zoning Ordinance, seconded by Rita Holmes. Motion passed all ayes.

Having no other business, Motion by Charles Bauer, 2nd by Dewey Ketner to adjourn the meeting at 5:20 p.m. Motion passed all ayes.

Respectfully Submitted

A handwritten signature in cursive script that reads "Karon R. Barbour". The signature is written in dark ink and is positioned above the printed name of the Recording Secretary.

Karon R. Barbour
Recording Secretary

PLEASE SIGN IN

ZONING BOARD OF APPEALS

Date: September 21, 2005

NAME (Please Print)

ADDRESS

Michael J. Steklac

305 S Main St, Chelsea

Michele Balaka

5800 Storer Rd

Jeff Balaka

5800 Storer Rd

Dawn Glah

6737 Madden Dexter

Louis Glah

6737 Madden Dexter

JOHN WYETH

310 N. MAIN ST.