A MEETING OF THE ZONING BOARD OF APPEALS WAS CALLED TO ORDER AT 7:00 PM, MONDAY, JANUARY 14, 2019 BY CHAIR EVANS. UNOFFICIAL MINUTES

PRESENT: Steve Allen  Greg Butts  Joe Krug  
Paul Evans  Ryan Gesund  Sue McAlpine  
Miles Uhlar

ALSO PRESENT: Timothy McLean, Community Development Director  
Ross Gavin, City Council Liaison  
Maria Ward, ZBA Alternate  
Pete Rodriguez, Applicant  
John Spreitzer, Applicant  
Bill Smith, Architect for Applicant  
Several members of the public

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APPROVAL OF AGENDA
The agenda was approved with one addition, Communications from City residents on BA-11-18.  
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APPROVAL OF MINUTES
It was moved by Mr. Allen to approve the minutes of November 13, 2018 and supported by Ms. McAlpine.

AYES: Butts, Gesund, Krug, McAlpine, Uhlar, Allen, Evans  
NAYS: None

Motion Carried.

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1. PBA-11-18—4033 Twelve Mile Rd.: The applicant is requesting a variance for off-street parking.

Community Development Director McLean gave a brief summary of the variance request. Mr. McLean stated that the existing building is considered legally non-conforming due to parking. Mr. McLean stated that the ordinance allows that as long as the non-conformity is not increased, the new property owner would not be required to increase the number of parking spaces. The applicant is proposing to add an outdoor dining area, essentially increasing the non-conformity. By ordinance, the applicant is required to have a minimum of 58 parking spaces. There are currently 42 parking spaces on-site.

Mr. Krug asked if the building being vacant for over 180 days factored into the variance request.

Mr. McLean responded that this applies to non-conforming uses rather than non-confirming structures.
Mr. Gesund asked about floor space.

Bill Smith, Architect for the applicant stated that the renovated interior would have a smaller dining space and smaller occupant load than the former Sila’s.

Ms. McAlpine asked if the applicant was able to verify the occupant load for Sila’s and proposed occupant load for Green Lantern.

Mr. Smith responded that he could not recall the numbers but that he had them calculated.

Ms. McAlpine stated that she has heard concerns that the new restaurant would be more of a bar than restaurant. She asked about percentages of bar space and dining space.

Applicant John Spreitzer responded that Green Lantern is intended to be a family restaurant. He stated there would be around 18-20 seats at the bar area and around 150 in the dining area.

Chair Evans asked Mr. McLean about the occupant load for the previous restaurant.

Mr. McLean responded that he would have to look it up.

Mr. Gesund asked the applicant if there were any plans for valet parking.

Mr. Spreitzer responded that shared parking is being investigated and that valet parking could be a possibility.

Chair Evans pointed out that the outdoor dining area would be seasonal and that the occupant load would be less during non-operational times.

Mr. McLean stated if the applicant installs bicycle racks on the premises, it would reduce the number of required parking spaces by two.

Mr. Uhlar asked how late the restaurant would be open.

Mr. Spreitzer responded that on the weekend, the restaurant would be open until midnight during the week, and 2AM on weekends.

Chair Evans asked the applicant if alternatives had been considered.

Mr. Spreitzer stated that the outdoor dining area was essential for return on investment.

**Chair Evans opened the Public Hearing at 7:18PM**

Kurt Hite, Robina: Stated he was looking forward to the opening of Green Lantern. Mr. Hite stated that he worked at the former Sila’s restaurant many years ago. He voiced concerns about overflow parking.
Timothy Barnes, Royal Oak: Stated he was looking forward to Green Lantern opening and that he was in favor of the variance being granted. Mr. Barnes also stated that he was not a city resident, but that he had recently purchased a building near Green Lantern and would be moving existing business Gate Keepers to his new location.

Laurie Zinser, Thomas: Stated she was excited about Green Lantern opening in Berkley. She voices concerns about the impact of overflow parking onto Thomas. Ms. Zinser stated she was concerned about emergency vehicles being able to access Thomas due to overflow parking. She suggested that one-way parking on Thomas be considered by the City.

Wendi Zabramski, Gardner: Stated that she lives in the area of Twelve Mile Rd. and Gardner. She stated that she deals with overflow parking onto Gardner often. Ms. Zabramski stated that there are problems with overflow parking from Twelve Mile Rd onto residential side streets and that neighborhood encroachment is an issue.

Mike Wehby, Berkley: Stated he is looking forward to Green Lantern opening. He stated that he believes non-motorized transportation would be utilized during times when the outdoor dining area is open. He spoke in favor of granting the variance.

Matt Fountian, Thomas: Stated he was nervous about overflow traffic from Green Lantern onto Thomas. He stated that a compromise solution for parking on Thomas was needed.

Sue Balan, Thomas: Stated that she has lived in the city for 24 years. She also stated that while she has not personally experienced overflow traffic from Sila’s, she believes other residents would have a more difficult time with overflow parking from Green Lantern. Ms. Balan also stated she would not be in favor of one-way parking on Thomas.

**Chair Evans closed the Public Hearing at 7:37PM**

**Discussion**
Chair Evans discussed written correspondence from residents.

Mr. Allen stated that it is established that there are 42 parking spaces and that usable floor space dictates parking requirements.

Mr. Butts stated that there are parking problems in certain parts of the city.

Mr. Gesund asked about shared parking.

Mr. Allen referenced the issue with shared parking relative to the Vinsetta Garage restaurant.

Chair Evans referenced the two parcels on Cummings and Thomas that have houses but are zoned P-1 Parking. He asked the applicant if purchasing either of those lots had been considered.

Mr. Spreitzer responded that it would not be financially feasible to do so.
Mr. Uhlar asked the applicant if this project could be done without a variance. 

Mr. Spreitzer responded that the project could be reconfigured without the outdoor seating but that it would set back the opening for an additional 3-5 months.

Mr. Allen referenced practical difficulty.

Chair Evans stated that options other than a variance are possible.

Mr. Uhlar stated that having the previous occupant load and proposed new occupant load would be helpful.

Mr. Allen responded that the ordinance is specific in that parking requirements are tied to usable square footage rather than occupant load.

Mr. Gesund stated that he feels the Board is limited with criteria to grant a variance. He stated he doesn’t believe the criteria have been met.

Mr. McLean responded that he believes there will be a parking issue regardless of whether or not a variance is granted.

Mr. Uhlar agreed with Mr. McLean.

Mr. Butts stated that the Board could consider postponing action until additional information about occupant loads could be provided.

Mr. Allen stated that shared parking could prove problematic.

Chair Evans stated that there must be a balance. He stated he is in favor of the applicant pursuing shared parking. He stated he agrees with Mr. Allen on parking requirements. More information is needed.

Mr. Rodriguez stated he believes overflow parking onto Thomas is going to happen regardless of the variance request.

Mr. Uhlar pointed out that there are no facts to back up statements about occupancy loads.

Mr. Krug responded that it is important to know the occupancy loads.
It was moved by Mr. Allen and seconded by Mr. Gesund to postpone BA-11-18 until the next meeting pending the exploration of shared parking options, updated site plan, and additional information on occupancy loads.

AYES: Gesund, Krug, Uhlar, Allen, Evans
NAYS: McAlpine, Butts
Motion Carried.

STAFF COMMENTS
Mr. McLean referenced upcoming training for the Planning Commission and Zoning Board of Appeals.

LIAISON COMMENTS
Councilmember Gavin stated that the proposed lane reduction on Coolidge Hwy. had been approved by City Council.

BOARD COMMENTS
N/A

PUBLIC COMMENTS
Wendi Zabramski, Gardner: Referenced parking issues at Amici’s. Ms. Zabramski also pointed out that the ZBA denied a variance request for parking for a new business on Twelve Mile Rd. in 2018.

Kurt Hite, Robina: Referenced ongoing parking issues.

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With no further business, Chair Evans adjourned the meeting at 8:29 PM.