

**City of Marine City  
Zoning Board of Appeals  
November 7, 2018**

A regular meeting of the Marine City Zoning Board of Appeals was held on Wednesday, November 7, 2018 in the Fire Hall, 200 South Parker Street, Marine City, and was called to order by Chairperson Weil at 7:00pm.

The Pledge of Allegiance was led by Chairperson Weil.

**Present:** Chairperson Weil; Commissioners Bassham, Filo, Vercammen;  
Planning Commissioner Allan; Building Official Wilburn; City Manager Leven; and  
Deputy Clerk Desmarais

**Absent:** None

**Also in Attendance:** City Attorney Robert Davis

**Communications**

Received:

- Resignation Letter – Eric Cottrell

Motion by Planning Commissioner Allan, seconded by Commissioner Vercammen, to receive and file the Communication. All Ayes. Motion Carried.

**Approve Agenda**

Motion by Commissioner Filo, seconded by Commissioner Vercammen, to approve the Agenda, as presented. All Ayes. Motion Carried.

**Approve Minutes**

Motion by Commissioner Filo, seconded by Commissioner Vercammen, to approve the Minutes of the Regular Meeting of the Zoning Board of Appeals held August 1, 2018, as presented. All Ayes. Motion Carried.

**Public Comment**

None.

## **Unfinished Business**

None.

## **New Business**

### ***Public Hearing ~ Appeal #18-06 – Thomas Vertin, 1300 South Parker***

City Attorney Davis briefly outlined the procedure for Variances and stated the following:

- The Board was provided a worksheet to keep notes on each Variance requested and it was meant to help them gather evidence for a motion.
- The Board's decision was final and could only be appealed by the Circuit Court.
- Any motion made had to be backed by evidence that was presented to the Board and part of the record.
- A Board member could second a motion and add a friendly amendment to the original motion to add further evidence and facts.

Chairperson Weil announced that the Zoning Board of Appeals would conduct a Public Hearing to receive public comments for and against the proposed Variance request by Thomas Vertin, for property located at 1300 South Parker. The Variance request was for an increase in the maximum height requirements to accommodate performing arts academy and theatre.

Chairperson Weil opened the Public Hearing at 7:08pm.

Building Official Wilburn advised that the applicant was asking to increase the height from 40' to 48' for the portion of the building facing Chartier Street.

Thomas Vertin, the applicant, stated the following:

- He was looking to increase the height of the building to allow for a flywheel hoist, which would be their next step to expand their theatre businesses.
- Their current theatres had brought in numerous visitors to Marine City and had helped increase the local economy, and this would have a further positive impact.
- The proposed theatre would seat approximately 350 people and house a performing arts academy.
- Adequate parking would be provided at the proposed property.

- Mr. Klingler was the current owner of the property, but if the variance was approved, he would move forward with purchasing the property.

Bob Klingler, 7075 South River Road, stated that he was the current owner of the property and he had an environmental impact study done at the proposed location in the past and the property was clean. He said the project would tie that portion of the City to downtown and expand the cultural center, which would help with beautification and tourism in that area.

Commissioner Vercammen questioned what had been on the property in the past. Mr. Klingler answered that it had been a parking lot and warehouse.

Phil Oleksiak, 546 Chartier, spoke in opposition of the Variance and proposed project. He made the following statements:

- He resided across the street from 1300 South Parker and was concerned about the traffic, as well as the noise and light pollution.
- The property was zoned L-1 – Light Industrial, and the project did not meet those zoning requirements.
- Site Plans and drawings were not submitted at the time of the application submittal.
- Concerned about the environmental impact as his research showed there was a leaking underground storage tank on Lot 32.
- He saw no hardship or practical difficulty due to the enforcement of the zoning ordinance and said the Variance requested was a want and not a need.

Commissioner Filo stated that zoning was addressed by the Planning Commission and not the Zoning Board of Appeals.

City Attorney Davis reminded the Board to use the material and record to decide if the variance should be granted. He said the Variance would stay with the land and that the current property owner was present at the meeting and consented to the application. He stated that the Board was not there to decide if the use was appropriate.

Chairperson Weil clarified that the Board needed to discuss and decide if the Variance to increase the maximum height should be approved.

Bob Klingler, 7075 South River Road, said that there would be two entrances and exits for the parking lot to help the flow of traffic, and lighting on the property could be directed so that it did not affect residents nearby.

Thomas Vertin, applicant, made the following statements:

- He was willing to address any environmental issues as he had done with other projects in town, and would resolve any other issues should the Variance be approved.
- He wanted to keep this project in Marine City, and the location was ideal due to parking capacity.

Bill Haas, 203 Pleasant Street, stated that he was concerned about parking, traffic and any negative impact it would cause to the area.

Chairperson Weil closed the Public Hearing at 7:58pm.

Commissioner Vercammen stated that she had received a 300 foot notice, however had no financial interest in the project.

Motion by Chairperson Weil, seconded by Commissioner Bassham, and friendly amended by Commissioner Vercammen, to approve Appeal #18-06 to increase the maximum height requirements based on the record as a whole including the application, Building Official Wilburn's report, the applicant testimonial, the feedback received from the Public Hearing, and the following points:

- The undo-hardship was that the applicant needed the increased maximum height to accommodate for equipment to operate the theatre.
- The unique circumstance was that the applicant needed to upgrade the existing building for a proposed theatre and performing arts academy.
- The proposed building was not blocking the view for any residents, and did not impede the residents of Chartier Street.

Roll Call Vote.

Ayes: Weil, Allan, Bassham, Filo, Vercammen

Nays: None

Motion Carried.

***Public Hearing ~ Appeal #18-07 – Whittlesey Development, Ltd., 827 Degurse Avenue***

Chairperson Weil announced that the Zoning Board of Appeals would conduct a Public Hearing to receive public comments for and against the proposed Variance Request by

Whittlesey Development, Ltd., for property located at 827 Degurse Avenue. The Variance Request was to reduce the side setback from 20' to 10'.

Chairperson Weil opened the Public Hearing at 8:04pm.

Mr. Whittlesey, applicant, stated that he requested the Variance due to the lot being long and narrow. He also stated that several other properties on Degurse Avenue had 10' setbacks instead of the 20' required by the current Ordinance.

Bob Klingler, 7075 South River Road, stated that he owned the building on the West side of 827 Degurse Avenue and wanted clarification on the location that the Variance was requested for.

Building Official Wilburn said that there was a County drain located behind the property and a Drain Commission permit would be required. She stated that the Variance was to reduce the setback between the lot line and building.

Mr. Whittlesey, applicant, said that the current fence was located 1' inside the property line.

Bob Klingler, 7075 South River Road, said that he had been required to install a tree line to separate the industrial and residential areas. He was concerned that the tree line buffer and swale on his property would be harmed if the Variance was approved as presented.

Building Official Wilburn reminded the Board that Site Plan approval by the Planning Commission would be required as well.

The Board was made aware that the Public Notice that had been mailed to property owners regarding the Variance request had inaccurate information pertaining to the location on the property of 827 Degurse Avenue that the Variance was being requested.

Chairperson Weil closed the Public Hearing at 8:20pm.

Motion by Planning Commissioner Allan, seconded by Commission Filo, to table the item until the December 5, 2018 meeting due to not being in possession of adequate prints and plans from the applicant.

Roll Call Vote.

Ayes: Weil, Allan, Bassham, Filo, Vercammen

Nays: None

Motion Carried.

City Manager Leven stated that the City strived to get plans from applicants, and despite applicants wanting things to move quickly, that plans were needed in order for the Board to make a decision.

### **Other Business**

None.

### **Adjournment**

Motion by Commissioner Filo, seconded by Commissioner Vercammen, to adjourn at 8:20pm. All Ayes. Motion Carried.

Respectfully submitted,

Elizabeth Desmarais  
Deputy Clerk

Kristen Baxter  
City Clerk