

**Minutes of the Zoning Board of Appeals  
Of the City of Portland**  
Held on Monday, December 12, 2016 at 7:00 P.M.  
In Council Chambers at City Hall

Members Present: Barnes, Graham, Fedewa, Parsons, Stahl

Staff: City Manager Gorman, City Clerk Miller

Guests: Jim Schrauben, Fred Campbell of JML Design Group

City Clerk Miller called the meeting to order at 7:00 P.M. with the Pledge of Allegiance.

City Clerk Miller opened the floor for nominations for Chair.

Motion by Barnes, supported by Fedewa, to nominate Parsons as Chair, Stahl as Vice Chair, and Graham as Secretary.

There were no other nominations.

City Clerk Miller closed the floor for nominations and held the vote on the motion.  
All in favor. Approved.

There were no public comments.

Motion by Barnes, supported by Graham, to approve the proposed agenda as presented.

Yeas: Barnes, Graham, Stahl, Fedewa, Parsons

Nays: None

Approved

Motion by Graham, supported by Barnes, to approve the minutes of the November 9, 2015 meeting as presented.

Yeas: Graham, Barnes, Fedewa, Stahl, Parsons

Nays: None

Approved

Chair Parsons opened the Public Hearing at 7:02 P.M.

City Manager Gorman presented the request by Mr. Campbell to re-establish what has been known as Muffler Man at 738 E. Grand River Ave. If the development proceeds it may be known as Maintenance Man and will offer a broader range of services. The desired development plan requires the addition of two additional service bays which requires a Special Land Use Permit. The developer is seeking relief from the 20 ft. side setback.

City Manager Gorman further noted that he and Zoning Consultant Frederick have met with Mr. Campbell on at least a couple of different occasions to review the proposed site plan.

Mr. Campbell presented the proposed site plan and request for development of Maintenance Man at 738 E. Grand River Ave. He stated that when the property was purchased in 1987 it was a gas station. He further noted that development of a vehicle repair shop requires a Special Land Use Permit. A Special Land Use Permit requires a property width of 150 ft. and the property under review is 119.7 ft. The side yard setback in the C-2 District is 10 ft. but with a Special Land Use Permit the side yard setback is 20 ft.

The properties on either side of the lot in question and across Grand River Ave. are all zoned C-2. The property to the rear is residential but there is a steep grade in between.

Mr. Campbell further explained that there are two repair stalls at this time. The developer needs to have 4 repair stalls in order for the business to be viable. The intent of the business is for non-lengthy repairs that only take 1-2 days. With the proposed addition of two stalls on the east side of the building, the 10 ft. setback can be maintained but the 20 ft. setback cannot be due to the narrowness of the lot.

Mr. Campbell also stated the intent is to replace the building's roof due to disrepair, adding a second story for storage. The curb cuts are existing. Vegetation will be added for screening.

The request for the Special Land Use Permit is scheduled to be heard by the Planning Commission on Wednesday, December 14, 2016, subject to the decision of the board tonight.

Chair Parsons asked which direction the service doors will face and if the east side of the building will be used as a driveway.

Mr. Campbell stated that all doors will face Grand River Ave. The east side of the building will have vegetation added and will not be used as a driveway. He further noted that there will be one handicap-accessible space at the front of the building and there will be three parking spaces at the back of the building. The service stalls will also be counted as parking spaces.

Mayor Barnes asked if there will be parking for customers coming in for business.

Mr. Campbell stated that there will be parking available in front of the service stalls for customers coming in.

Chair Parsons went through the criteria for the request based on the Application for Zoning Variance and Mr. Campbell responded.

Under Criterion #1, the property has always been a repair facility. There is a clause in the Ordinance that states that if the property is not used for one year that it can't go back to its use. The earliest City Ordinance that can be found goes back to 1989 which is two years after it became a vehicle repair station. The Ordinance at that time required a 10 ft. side yard setback under the Special Land Use criteria. The use had to have been approved at some time as a Special Land Use with a 10 ft. variance. If this request is not granted, Mr. Campbell's client has stated that he will have to sell the property as the proposed business will not be economically viable.

City Manager Gorman stated that he and Zoning Administrator Frederick, along with Mr. Campbell, had tried to find alternatives to the proposed design.

Under Criterion #2, the existing lot is narrower than the current Ordinance requires. The parking requirement and topography to the South do not allow for alternative designs.

Under Criterion #3, the simplicity of the symmetrical building and addition design will result in a better visual for the neighborhood. The addition is being built further away from the residential and closer to the adjacent commercial property. Added vegetation will enhance the area as well.

Chair Parsons confirmed that whatever business may be developed on this property will have to contend with the 115' lot width and parking issues.

Mr. Campbell stated that any C-2 approved use would be allowed and wouldn't be bound by the Special Land Use Permit.

Under Criterion #4, the problem existed prior to the current Ordinance. The developer is trying to make an existing building meet the new Ordinance, having met the old Ordinance at a previous point.

Under Criterion #5, the building still meets the C-2 criteria of the Ordinance.

Mr. Schrauben, the owner of the rental property, stated that the wall on the west side is deteriorated.

Mayor Barnes noted that issue would be addressed by the Planning Commission as part of the site plan review. He further noted that his concern would be relayed to the Planning Commission if he is unable to attend the meeting. The City will also determine who is responsible for the retaining wall.

Mr. Schrauben also inquired how much noise would be created by the business.

City Manager Gorman clarified the two issues that Mr. Schrauben would like addressed are the condition of the retaining wall and the possibility of a sound barrier.

Mayor Barnes inquired about the hours of operation.

Mr. Campbell stated that there will be regular business hours of 8:00 A.M. to 5:00 P.M.

Mr. Schrauben asked if any soil borings have been done on the property as he had heard the property might be contaminated.

Mr. Campbell stated that the tanks had been removed and remediated.

Chair Parsons closed the Public Hearing at 7:28 P.M.

Under New Business, the board considered the variance request for a 10 ft. variance from the side yard setback for the C-2 District [Section 42-341 (11) (3)] for the building located at 738 E. Grand River Ave.

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Motion by Barnes, supported by Graham, to approve the variance request for a 10 ft. variance from the side yard setback for the C-2 District [Section 42-341 (11)(3)] for the building located at 738 E. Grand River Ave.

Yeas: Barnes, Graham, Fedewa, Stahl, Parsons

Nays: None

Approved.

There was discussion with Mr. Campbell in regard to his positive opinion of the application process with the City of Portland.

Motion by Graham, supported by Fedewa, to adjourn the meeting at 7:38 P.M.

Yeas: Fedewa, Graham, Parsons, Barnes, Stahl

Nays: None

Adjourned.

Respectfully submitted,

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Jayne Graham, Secretary