



**ZONING BOARD OF APPEALS
RESCHEDULED REGULAR MEETING AGENDA
TUESDAY, APRIL 18, 2023
CITY HALL COUNCIL CHAMBERS
161 E. GRAND RIVER AVE., WILLIAMSTON, MI
Phone (517) 655-2774
6:00 pm**

1. Call to Order – 6:00 p.m.
2. Pledge of Allegiance
3. Roll Call
4. Audience Participation- Maximum 5 minutes per presentation. Subject matter on non-agenda & agenda items.
5. Approval of Agenda
6. Zoning Board of Appeals Regular Minutes of August 9, 2022
7. Public Hearing- Dimensional Variance for Parcel ID: 33-18-07-01-151-026, 200 Elevator Street
 - a. Open Public Hearing – 6:01 p.m.
 - b. Chair states purpose of hearing and rules of procedure as deemed necessary
 - c. Presentation by staff summarizing the item
 - d. Questions from Board to staff
 - e. Presentation by Applicant
 - f. Questions from Board to Applicant
 - g. Testimony from public
 - i. Presentation of written comments
 - ii. Presentation of oral comments (-Supporters of Request, -Opponents of Request)
 - h. Concluding comments from staff
 - i. Concluding comments from applicant
 - j. Concluding questions or comments from Board
 - k. Close public hearing
8. Action Items
 - a. Dimensional Variance for 200 Elevator Street Parcel ID: 33-18-07-01-151-026
 - b. Consideration of 2023 Meeting Dates and Times
 - c.
 - d.
 - e.
 - f.
9. Discussion Items
 - a.
10. Information Only
 - a.
11. Audience Participation
12. Member Comments
13. Adjournment

Individuals with disabilities requiring special assistance that are planning to attend a Zoning Board of Appeals meeting should contact the City Clerk by writing or calling at least 2 days in advance of the meeting that will be attended.

**THE NEXT REGULAR ZONING BOARD OF APPEALS MEETING WILL BE HELD ON
TUESDAY, MAY 9, 2023 AT 7:00 P.M. IN THE CITY HALL COUNCIL CHAMBERS.**

6.
pg 1

**CITY OF WILLIAMSTON
ZONING BOARD OF APPEALS
AUGUST 9, 2022
REGULAR MEETING MINUTES**

1. Call To Order:

The meeting was called to order at 7:00 p.m. in the City Hall Council Chambers by Chairman Robert DeGarmo and the Pledge of Allegiance was recited.

3. Roll Call:

Chairman Robert DeGarmo, Vice Chair Derik Feldpausch, Board Members, Dan Rhines, and Brandon Gilroy. Absent: Bruce Bellingar.

Also Present:

City Clerk Holly Thompson, City Attorney Timothy Perrone, McKenna Planner Raphael Kaesin and other members of the public.

4. Audience Participation:

Chairman DeGarmo called for public comments at this time and there were none.

5. Approval of Agenda:

Motion by Rhines, second by Gilroy, to approve the agenda as presented.

Motion passed by voice vote.

6. Zoning Board of Appeals Regular Minutes of November 9, 2021:

Motion by Rhines, second by Gilroy, to approve the November 9, 2021 minutes as presented. **Motion passed by voice vote.**

7. Public Hearing- Zoning Variance for Parcel ID: 33-18-03-36-378-001, 502 E. Grand River Ave.:

7a. Open Public Hearing:

Chairman DeGarmo opened the public hearing at 7:01 p.m.

7b. Chair States the Purpose of the Hearing and Rules of Procedure:

Chairman DeGarmo explained the purpose of the public hearing and rules of procedure.

7c. Presentation by Staff Summarizing the Item:

McKenna Planner Kaisen went over the written report from McKenna Associates and recommendations for the variance request for 502 E. Grand River Ave., parcel number 33-18-36-378-001.

7d. Questions from Board to Staff:

62
pg 2

Chairman DeGarmo asked if this goes to the City Council after the Zoning Board of Appeals meeting.

Member Rhines asked if they are asking for a 30' variance.

7e. Presentation by Applicant:

The applicant is asking the Board to consider a 30' variance to the zoning standards.

7f. Questions from Board to Applicant:

None.

7g. Testimony from Public:

1. **Presentation of Written Comments:**

None.

2. **Presentation of Oral Comments:**

Melissa Glovak is concerned with traffic, noise, and lighting. She feels that is a lot for that small of an area and does not see where the space is to have this business.

7h. Concluding Comments from Staff:

Attorney Perrone presented three resolutions for consideration by the board on the requested variance.

7i. Concluding Questions or Comments from Applicant:

None.

7j. Concluding Questions or Comments from Board:

None.

7k. Close Public Hearing:

Chairman DeGarmo closed the public hearing at 7:22 p.m.

8. Action Items

8a. Appointment of Chair and Vice Chair:

Motion by **Feldpausch**, second by **Rhines**, to appoint DeGarmo as Chair. Yes: DeGarmo, Rhines, Feldpausch, Gilroy. No: None. **Motion passed.**

Motion by **Gilroy**, second by **Rhines**, to appoint Feldpausch as Vice Chair. Yes: DeGarmo, Rhines, Feldpausch, Gilroy. No: None. **Motion passed.**

8b. Zoning Variance 502 E. Grand River Ave.:

Motion by **Gilroy**, second by **Rhines**, to adopt resolution Option 2, Granting Variance with Conditions

6
pg 3

BE IT RESOLVED that the Williamston Board of Zoning Appeals hereby finds, with respect to the request for the variance requested by Donald Brand, Applicant/Property Owner, of 2164 Cedar Bend Dr., Holt, Michigan 48842, for a 30' variance from the 100' minimum lot width for a parcel of land in the proposed conditionally zoned C-2 District, under the City of Williamston Zoning Ordinance, Article 2, Section 74-2.307, for the following property located in the City of Williamston, Michigan:

502 E. Grand River Ave., Tax ID No. 33-18-03-36-378-001, as follows:

1. That the minimum lot width variance is necessary because compliance with the strict letter of the lot width requirement will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with the standards unnecessarily burdensome. The 100 ft. lot width prescribed for the C-2 District is designed to accommodate the principal permitted uses allowed in that District. However, compliance with the minimum lot width requirements would be unnecessarily burdensome in this case, because the minimum lot area for the proposed conditionally rezoned use of retail sales (unrestricted outdoor) is 10,000 sq. ft., which is 4,500 sq. ft. lower than the minimum lot size normally required in the C-2 District.

2. That the minimum lot width variance is necessary because a grant of the variance will do substantial justice to the applicant as well as to other property owners in the zoning district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the district. This is because the proposed use of the property under the proposed conditional rezoning is limited the sale of quality used cars, and therefore the variance would only apply to the proposed use under the voluntary contractual conditions of the conditional rezoning.

3. That the plight of the applicant is due to the unique circumstances of the property. The existing dimensions of the property require the minimum lot width to be adjusted in order to accommodate the intended use.

4. That the problem to be addressed by the variance is not self-created. The applicant has not done any work on the property since its acquisition.5. That the minimum lot width variance will allow the spirit of the Zoning Ordinance to be observed, public safety and welfare secured, and substantial justice done. A grant of the minimum lot width variance would ensure that the long vacant commercial property will be put to productive use and bring needed economic development to the area.

6. That the minimum lot width variance will not impair adequate supply of light and air to adjacent properties, unreasonably increase the congestion in public streets, increase the danger of fire or endanger public health, or

6
pg 4

unreasonably diminish established property values within the surrounding area. Specifically, (a) no new structures taller than the maximum permitted building height are planned, (b) vehicular and pedestrian circulation will be addressed as part of the site plan review process, (c) there is no increase in the danger of fire or threat to public safety as a result of the variance, (d) adequate landscaping and screening will be required as part of the site plan approval process to ensure that established property values are maintained or increased, and (e) the variance poses no threat to the community or surrounding properties. No significant impact on traffic is anticipated.

BE IT FURTHER RESOLVED, that based on the aforementioned findings of practical difficulties, a 30' variance from the 100' minimum lot width requirement requested by Applicant is hereby granted to permit a 70' lot width for the parcel.

BE IT FURTHER RESOLVED, that the variance granted to Applicant shall be subject to strict compliance with the following conditions:

1. The variance must be used within one (1) year from this date.
2. The resulting use of the parcel shall be of the design and shall be located on the property as shown on the plan and drawings submitted to the Zoning Administrator. Yes: DeGarmo, Feldpausch, Rhines, Gilroy. No: None. **Motion passed.**

11. Audience Participation:

Chairman DeGarmo called for public comments at this time and there were none.

12. Member Comments:

None.

13. Adjournment:

Chairman DeGarmo adjourned the meeting at 7:31 p.m.

Meeting Adjourned at 7:31 p.m.

***THE PRECEDING MINUTES ARE A SYNOPSIS OF A ZONING BOARD OF APPEALS MEETING AND DO NOT REPRESENT A VERBATIM RECORD.**

Respectfully Submitted by: _____
Holly M. Thompson, City Clerk

Date Approved: _____

CITY OF WILLIAMSTON, MICHIGAN
ZONING BOARD OF APPEALS

NOTICE OF PUBLIC HEARING
FOR REQUESTED ZONING VARIANCE

PLEASE TAKE NOTICE that the City of Williamston Zoning Board of Appeals will conduct a Public Hearing at 6:01 p.m. on Tuesday, April 18, 2023 at the City of Williamston Council Chambers, 161 E. Grand River Avenue, Williamston, MI 48895.

Application has been made by Cold Storage LLC for a Zoning Variance for property located at 200 Elevator St, Williamston, MI 48895 (an existing building Parcel ID 33-18-07-01-151-026) Property Zoning District: C-3

Applicant has requested a Zoning Variance from the City of Williamston Zoning Ordinance Section 74-3.103B Dimension Regulations:

Zoning Ordinance Dimensional Requirement: 30' setback from adjacent I-2 property

Proposed Dimension: 5' setback per C-3 zoning Requested Variance: Sec.74.3 103B

Notice is hereby given as required by the City of Williamston's Zoning Ordinance and the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. All related documentation may be reviewed, and written comments will be accepted at the City of Williamston City Hall, 161 E. Grand River Avenue, Williamston, MI 48895, between the hours of 8:00 a.m. and 5:00 p.m. during all scheduled days of operation. Questions can be directed to John Hanifan, City Manager, at 517-655-2774, ext. 110, or manager@williamston-mi.us.

Any party having an interest in the matter may attend the Public Hearing and make their comments known to the Zoning Board of Appeals. Individuals with disabilities needing special accommodations to fully participate in the meeting may contact the City Clerk to request the necessary assistance. This request must be made at least two (2) business days prior to the meeting.

Holly Thompson, City Clerk
CITY OF WILLIAMSTON



7c
pg 1

April 6, 2023

Zoning Board of Appeals
City of Williamston
161 E. Grand River Ave.
Williamston, MI 48895

Subject: Review of Dimensional Variance Request for 200 Elevator Street – Ice House Distillery

Dear Board Members:

We have reviewed the application for a variance to reduce the minimum side yard setback requirement from 30 feet to 5 feet for the east property line of the property located at 200 Elevator Street (Parcel ID: 33-18-07-01-151-026).

BACKGROUND

The subject property is zoned C-3, Mixed Business District. On Tuesday, March 7, 2023, the City of Williamston Planning Commission granted Special Land Use and preliminary site plan approval for the Ice House Distillery project, with final site plan review subject to approval of a dimensional variance request for the east side yard.

The applicant's preliminary site plan shows a 5-foot side yard setback from east property line of the subject parcel. While normally, a minimum 5-foot side yard setback would be acceptable in the C-3 District, per Section 74-3.103B of the City of Williamston Zoning Ordinance:

“Yard Requirements along Zoning Boundary Line. A lot having a side yard line adjacent to any zoning boundary line of a more restricted district shall have a side yard not less than the minimum width required for the adjoining side yard of the more restricted district.” (p. 57)

The adjacent parcel to the east of the subject property is zoned I-2, Industrial District, which has a required minimum side yard setback of 30 feet. Per Section 74-3.103B, this would require the adjacent side yard of the subject property to be 30 feet, rather than the 5-foot setback proposed by the applicant.

VARIANCE

The applicant seeks the following variance, pursuant to the Zoning Ordinance:

A variance from Section 74-3.103B of the Zoning Ordinance to reduce the required minimum side yard setback for the east side yard from 30 feet to 5 feet.

COMMENTS

Section 74-9.406A of the City of Williamston Zoning Ordinance grants the Zoning Board of Appeals (ZBA) the power to grant dimensional variance requests:



7c
pg 2

"The Zoning Board of Appeals may grant a dimensional (nonuse) variance to provide relief from a specific standard in this Ordinance relating to an area, a dimension or a construction requirement or limitation, upon the concurring vote of a majority of the members of the Zoning Board of Appeals." (p. 182)

BASIC CONDITIONS

Section 74-9.406B stipulates that a finding of "practical difficulty" by the ZBA must be made for a dimensional variance to be granted. For a finding of practical difficulty to be made, the following criteria must be met:

Criteria 1: Compliance with the strict letter of the restrictions governing area, setback, frontage, height, bulk, lot coverage, density or other dimensional or construction standards will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with such restrictions unnecessarily burdensome.

The preliminary site plan submitted by the applicant and approved by the Planning Commission shows a 5-foot side yard set for the east property line. The proposed distillery and tasting room building to be located along this setback would have a width of 39'. Adjacent to the distillery/tasting room building to the west would be the sole driveway entrance and egress to the property off Elevator Street. The minimum required width of the driveway is 22' per Section 74-6.301 of the Zoning Ordinance, as the driveway constitutes the sole maneuvering lane into and out of the proposed parking lot. A 30-foot side yard setback would force the proposed distillery building to encroach on the required driveway, creating a potential clear vision obstruction for traffic along Elevator Street. It would also preclude the construction of a proposed sidewalk entrance to the property located between the distillery and driveway. The location of the driveway itself cannot be shifted further to the west without encroaching on the site's original building, the historic F.P. VanBuren Cold Storage building, which is to remain as part of the proposed final site plan.

Criteria 2: A grant of the variance will do substantial justice to the applicant as well as to other property owners in the district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the zoning district.

The adjacent parcel to the east of the subject property, 218 Elevator Street, is zoned I-2 and is owned by the City of Williamston. While also part of the TIFA 2B, its current use is for a water tower only, with no other uses planned or proposed for the site as of the date of this review. Requiring the applicant to maintain a 30-foot side yard setback would serve no substantive purpose, as the current use of the neighboring site as a water utility poses a negligible threat to the health, safety, and welfare of the surrounding properties. The granting of a lesser variance will not provide substantial relief to the applicant, nor would it benefit the health, safety, or welfare of the surrounding properties as it would force an encroachment onto the proposed parking lot driveway and maneuvering lane, making it less safe for automobile and pedestrian use.

Criteria 3: The plight of the applicant is due to the unique circumstances of the property.

Correct. The only way a 30-foot side yard setback could be accommodated on the site would be if the existing historic cold storage facility was to be partially or completely demolished. Doing so, however, would significantly and irreparably harm the character of the subject site and surrounding



7c
pg 3

neighborhood, and would – arguably - be inconsistent with Goals 1 and 5 of the 2015 Master Plan, i.e.,

- Preserve the historic character and viability of the downtown city center.
- Provide adequate public and private land for recreation, open space, and leisure-time pursuits. (pp. 2 – 3)

Criteria 4: The problem is not self-created.

Correct. No work has been done on the site by the applicant and transfer of ownership of the subject parcel is contingent on final site plan approval.

Criteria 5: The spirit of this ordinance will be observed, public safety and welfare secured, and substantial justice done.

Correct. Granting the variance to allow a 5-foot setback would follow the spirit of both the Zoning Ordinance and Master Plan, allowing for the adaptive reuse of a long underutilized historic property.

Criteria 6: There is compliance with the standards set forth in Section 74-9.403B.

Section 74-9.403B establishes the following additional criteria required to approve a variance request. Namely, that the proposed variance will not:

- a. *Impair an adequate supply of light and air to adjacent property.*

No new structures taller than the maximum permitted building height are planned for the subject site.

- b. *Unreasonably increase the congestion in public streets.*

A circulation plan has not yet been submitted as part of the site plan application. Both vehicle and pedestrian circulation will be addressed as part of final site plan review.

- c. *Increase the danger of fire or endanger the public safety.*

No increase in fire or threat to public safety is expected as a result of variance approval. The final site plan will be subject to review by both NIESA and the City Engineer prior to Planning Commission review.

- d. *Unreasonably diminish or impair established property values within the surrounding area.*

Adequate landscaping and screening will be addressed as part of the final site plan review to ensure that established property values are maintained or increased. It is highly likely that the presence of the distillery/tasting room will increase the overall attractiveness of the area and therefore not adversely impact neighboring property values.



7c
pg 4

- e. *In any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city.*

No threat to the community or surrounding properties is anticipated.

Criteria 7: There is compliance with the discretionary standards contained in Section 74-9.303 of this Ordinance.

These standards were previously addressed as part of the Special Land Use review, the report for which has been included in the agenda packet.

RECOMMENDATION

It is the opinion of McKenna Staff that the variance request for 200 Elevator Street meets all the criteria as established by Sections 74-9.303, 74-9.403B, and 74-9.406B of the City of Williamston Zoning Ordinance. The request to reduce the minimum required side yard setback for the east property line from 30 feet to 5 feet is reasonable, prudent, and necessary for the successful implementation of the approved Special Land Use and preliminary site plan.

Should you have any questions, please do not hesitate to contact me.

Respectfully submitted,

McKENNA

Raphael J. Kasen, AICP
Senior Planner



7c
pg 5

Memorandum

TO: City of Williamston Planning Commission

FROM: Raphael J. Kasen, AICP

SUBJECT: 200 Elevator Street – Special Land Use & Site Plan Review

DATE: February 28, 2023

The applicant, Cold Storage Holdings LLC, is seeking special land use and site plan approval from the City of Williamston Planning Commission for the construction of a micro-distillery and small tasting room as an accessory building located on the property located at 200 Elevator Street (Parcel ID: 33-18-07-01-151-026). The site is currently zoned C-3, Mixed Business District. Micro-distilleries which also serve alcohol on-premises are classified as a "Bar, Tavern, or Alcohol Service Establishment" under the City of Williamston Zoning Ordinance and are considered a Special Land Use in the C-3 district.

SUMMARY OF REQUEST

The applicant is requesting special land use approval from the City of Williamston Planning Commission to construct a 3,007 sq. ft. micro-distillery and tasting room to be located approximately 40 feet east of the existing F.P. VanBuren Cold Storage building at 200 Elevator Street.

This micro-distillery and tasting room will serve as an accessory use to the existing cold storage building, whose historic use as a storage facility is considered legal and nonconforming per Section 74-11.105 of the Zoning Ordinance.

EXISTING CONDITIONS AND SURROUNDING LAND USE

The subject site is located on the south side of Elevator Street approximately 270 feet east of South Putnam Street. It is located within the City of Williamston Tax Increment Financing Area (TIFA) 2B. The TIFA is the current owner of record; the transfer of ownership to Cold Storage, LLC is contingent upon final site plan approval. The adjacent parcels to the west of the site are 194 Elevator Street (zoned C-3), 613 South Putnam Street (zoned R-2), and 617 South Putnam Street (zoned R-2). The adjacent sites to the south and east are both zoned I-2, and the subject property is bordered to the north by the CSX Railroad.

The subject parcel is approximately 26,136 sq. ft. in area.



200 Elevator Street, Existing Conditions (Source: Ingham County Equalization Viewer, February 2023)



7c
pg 6

Current site improvements include the existing F.B. VanBuren Cold Storage building, approximately 4,641 square feet in size. This includes a corrugated aluminum lean-to, approximately 1,340 sq. ft. in area, which is note part of the original structure and will be demolished under the proposed site plan.

STANDARDS FOR APPROVAL – SPECIAL LAND USE REVIEW

Pursuant to Section 74-9.303 of the City's Zoning Ordinance, the following standards apply for granting special land use approval:

- A. *Be harmonious with and in accordance with the general principles and objectives of the comprehensive master plan of the City of Williamston.*

If special land use approval is granted, it is not anticipated that the proposed micro-distillery and tasting room will be in conflict with the City of Williamston Master Plan's principles and objectives. The Future Land Use Plan designates the subject site as "public" due to the TIFA's jurisdiction there.

- B. *Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the area in which it is proposed.*

The proposed special land use would transform a long underutilized historic site into a vibrant, public-oriented place consistent with the area's mix of residential and commercial uses.

- C. *Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.*

The subject site and immediately surrounding sites are currently utilized for a mix of residential, commercial, and industrial purposes. The proposed special land use would be a substantial improvement to the existing site. While the proposed Special Land Use would not -in and of itself – constitute a disturbance to the neighboring residential uses, it is anticipated that the hours of operation of the tasting room will be set so as to minimize any increase in noise and traffic which may impact neighboring residences.

- D. *Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal water and sewage facilities and schools.*

The existing site has water, sewer, and electrical service. The applicant has been in ongoing contact with the City's Department of Public Works to ensure that any potential increase in effluence would be addressed immediately and resolved expeditiously.

- E. *Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property or general welfare as a result of producing excess traffic, noise, smoke, fumes, glare, odors.*



7c
pg 7

The applicant has stated that initial use of the micro-distillery will be limited to neutral grain spirits which should produce no noxious odors. Per the applicant, the fermentation process should only produce a smell similar to the baking of bread.

- F. *Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this ordinance for the land use or activities under consideration; and be necessary to ensure compliance with those standards.*

The proposed special land use meets the general intent of the C-3, Mixed Business District.

- G. *Be related to the valid exercise of police power and purpose which are affected by the proposed use or activity.*

Per Michigan State Act 1980 PA 87, MCL 213.51 to 213.77, the TIFA has the authority to take and convey land for a public purpose. Economic development – which is the purview of the TIFA – is per the United States Supreme Court decision in *Kelo v. City of New London*, 545 U.S. 469 (2005), a valid form of public use.

PROVISIONS APPLICABLE TO BARS, TAVERNS, OR ALCOHOL SERVICE ESTABLISHMENTS

The Zoning Ordinance does not establish specific provisions applicable to bars, taverns, or alcohol service establishments as a Special Land Use beyond the requirement per Section 74-12.104 that such an establishment must maintain a valid State-issued alcoholic beverage license.

PRELIMINARY SITE PLAN REVIEW

Section 74-9.208 provides the criteria for a site or sketch plan review. It also allows for exceptions to these criteria where the zoning administrator or Planning Commission determines that certain information is not necessary or applicable to a particular site or sketch plan application. Thus, the following review is based on the information and criteria needed to verify compliance with the Zoning Ordinance. We offer the following comments regarding the project at 200 Elevator Street based on the City Zoning Ordinance and sound planning principles:

1. Zoning and Use

The proposed project site is zoned C-3, Mixed Business District. The building is currently an underutilized cold storage facility located within the TIFA 2B. As stated in the above Special Land Use application review, "bars, taverns, and alcohol service establishments are considered a Special Land Use in the C-3 district.

2. Dimensional Standards

The proposed project would entail the demolition of the corrugated aluminum lean-to on the east side of the existing cold storage building. As noted earlier, this section of the building is approximately 1,340 sq. ft. in area and is not part of the original historic wooden structure. Once this is removed, the remaining building will be approximately 3,301 sq. ft. in area. The proposed accessory building which will house the micro-distillery and tasting room will be approximately 3,001 sq. ft., making the total combined lot coverage 6,038 sq. ft. With the total lot size at 26,136 sq. ft., the proposed site plan would maintain a lot coverage ratio of 23%. The



7C
pg 8

maximum lot coverage permitted in the C-3 district is 50%, so the proposed site plan would be in compliance with this provision.

The existing cold storage building is located on the northwest corner of the property and maintains a zero front yard lot line. C-3 district regulations require a minimum front yard setback of 25 feet. The new building would be located approximately 40 feet to the east of the existing building at a 25-foot setback with the front yard so as not to increase this existing nonconformity.

The preliminary site plan provided by the applicant shows a 5 ft. side yard setback on the west side of the new building. Per Section 74-3.103B of the Zoning Ordinance, a lot maintaining a side yard line adjacent to a different zoning district is subject to the set back requirement of whichever district regulation is more restrictive. As the adjacent parcel is zoned I-2, the required setback for the proposed accessory building on the subject site is 30 feet. The applicant must acquire a dimensional variance before a final site plan can be approved.

The preliminary site plan does not provide an exact measurement for the proposed rear yard setback. However, based on the measurements provided, it appears that a 40+ yard setback is being proposed. This would be consistent with the C-3 district minimum requirement of 25 feet.

The applicant has not provided a height measurement for the proposed accessory building and will need to do so before a final site plan can be approved. The maximum height for accessory structures in the C-3 district is 30 feet, or up to 40 feet with consent of the fire authority per Section 74-3.103Q.

3. Required Open Space

Section 74-3.103O of the Zoning Ordinance requires all lots in the C-3 district to set aside a minimum of 15% of total lot area for lawn or landscaping. While an open space coverage ratio has not been provided in the preliminary site plan, the applicant has proposed a 15-foot landscape buffer on the west side of the property adjacent to the two residential lots, as well as three trees to be planted on the northeast, southeast, and southwest corners of the site, respectively. Planning Staff estimates that this will fulfill the 15% landscaping set aside requirement.

4. Landscaping and Screening

The preliminary site plan shows what appears to be a privacy fence along the east and south property lines, however no additional information about this enclosure has been provided. Additional details including the design, dimensions, and materials of the enclosure will need to be provided before final site plan approval can be issued.

5. Off-Street Parking

Section 74-6.204 of the City's Zoning Ordinance states that the minimum off street parking required for a bar, tavern, or alcohol service establishment is 1 space per 2.25 persons permitted at maximum occupancy. The applicant's preliminary site plan denotes a maximum occupancy of 50 people, which would require a total of 22 parking spaces per the Ordinance. The preliminary site plan shows a total of 20 parking spaces, including 2 barrier free van parking spaces. The site plan notes that street parking will be available to supplement the on-site parking.



7c
pg 9

The applicant has proposed a minimum of 2 bicycle parking spaces to be located near the entrance to the site along Elevator Street. This is consistent with the bicycle parking required per Section 74-6.206 of the Zoning Ordinance.

The preliminary site plan proposes one on-site commercial loading space to be located in the rear yard of property behind micro-distillery/tasting room building. Section 74-6.207 of the Zoning Ordinance calls for a minimum of two loading spaces for sites between 20,000 and 49,999 square feet. Per Section 74-6.204D, the Planning Commission may modify the parking standards based on evidence submitted by the applicant.

6. Trash Disposal

The preliminary siter plan shows a fence-in area to be located near the southeast corner of the site behind the proposed micro-distillery/tasting room building. The enclosed trash bin area would be placed to the east of and directly adjacent to the loading area, thereby allowing the loading zone to double as a trash pick-up area.

7. Signage

The current application includes three 3D renderings of the exterior of the proposed development, each of which show a the name of the business, "Cold Storage Distillery" placed above an awning on the front of the accessory building. Additional details including the dimensions and materials of this and any additional proposed signage will need to be provided before final site plan approval can be issued.

8. Architecture and Design

Per Section 74-5.205A1 of the Zoning Ordinance, architectural style is not restricted in the C-3 district. The final site plan must include details for building dimensions, materials, colors, and lighting, including how these features will relate visually and be in harmony with the original Cold Storage building and other site elements.

9. Exterior Lighting

While the submitted three dimensional renderings show the presence of exterior lighting fixtures at various locations throughout the site, no specifications for these fixtures have been provided. These will need to be submitted along with the final site plan.

10. Sidewalks

There are currently no sidewalks on Elevator Street. The preliminary site plan indicates the possible inclusion of some limited sidewalks adjacent to the driveway entrance off of Elevator Street and in front of the existing Cold Storage building.

11. Stormwater Management and Utilities

The proposed project will undergo review by the City Engineer before a final site plan will be approved.

RECOMMENDATIONS

We recommend the City of Williamston Planning Commission hold the scheduled public hearing and approve the proposed special land use for a "bar, tavern, or alcohol service establishment" on Parcel ID: 33-18-07-01-151-026, located at 200 Elevator Street.

We also recommend that the applicant's preliminary site plan be approved.



Final site plan approval should be contingent on the following:

1. The applicant must apply and be approved for a dimensional variance per Section 74-9.207C of the Zoning Ordinance for the waiving of the 30-foot setback requirement due to the site's adjacency with a lot located in the I-2 district.
2. The applicant must submit detailed project elevations for the proposed building and all landscaping, including all proposed fencing and plantings along the perimeter of the site, as well as the locations and manufacturer specifications for all exterior lighting fixtures.
3. A final signage plan must be submitted.
4. The final proposed circulation plan must be approved by the Northeast Ingham Emergency Service Authority (NIESA).
5. Final site plan must be reviewed and approved by the City Engineer.

Respectfully Submitted,

Raphael J. Kasen, AICP
Senior Planner

7c
pg 10

SLU Application - 200 Elevator Street (Icehouse)

Current Property Owner: City of Williamston Tax Increment Finance Authority

Applicant Information: Cold Storage Holdings LLC, 1267 Berkshire Dr., Williamston, MI

Contant: Ken Szymusiak, szymusiak1@gmail.com, 517.643.5171

Proposed Special Land Use:

Construction of an approximately 3000 sf facility for operation as a micro-distillery and small tasting room (occupancy of approximately 50 seats).

How will the proposed special land use:

A. Be harmonious with and in accordance with the general principles and objectives of the comprehensive master plan of the City of Williamston?

The proposed land use aligns with the general principles and objectives of the comprehensive master plan of the City of Williamston. The proposed use has been carefully evaluated to ensure that it is harmonious with the surrounding community and will not have any negative impact on the community's overall well-being. The proposed use will also be in accordance with the city's plans for sustainable development, economic development, and community growth. The proposed land use will also complement the other land uses in the area, creating an overall cohesive and well-planned community. We believe that the proposed land use will be an asset to the City of Williamston, and will be in line with the goals and objectives outlined in the comprehensive master plan. The long term intent of the business operators will be to evaluate and possibly rehabilitate the historic icehouse that currently sits on the property.

B. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the area in which it is proposed?

The proposed land use will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity. It will complement the existing aesthetic of the area and will not change the essential character of the area in which it is proposed. The design and construction of the proposed land use have been carefully considered to ensure that it fits seamlessly within the surrounding community, and will not have any negative impact on the community's overall aesthetic. There is industrial property including a water tower to the east and a commercial building flanking the property to the west. The proposed land use will also be operated and maintained to a high standard, and will be in compliance with all relevant regulations and standards. We believe that the proposed land use will enhance the existing character of the area and will be welcomed by the community.

C. Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole?

7c
pg 11

Current zoning is C-3, mixed business district. The neighboring property to the east is currently industrial land use and will likely be so long term. The neighbor to the west is also zoned C-3 mixed business district. Being so, we feel the proposed use will be a perfect bridge between these two uses. The retail/ tasting room component will be street facing and help to improve the streetscape along elevator street. The industrial function will bolster this side of the business. The proposed land use will not pose any hazards or disturbances to existing or future uses in the same general vicinity and will be boost to surrounding property values and to the community as a whole.

D. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal water and sewage facilities and schools?

The property currently has water, sewer, and electrical service available and is served by an all-season paved road. Coordination will be made with police and fire service for access to the building after-hours through the use of a lock-box. Arrangements will be made with the Fire Chief to address use and inform of flammable items and quantity on-site. Sewage use should be limited to traditional items, currently, and future use will be addressed with the city engineers should our effluent change or increase in drastic fashion. Refuse disposal will be contracted and container(s) will be stored within privacy fenced area.

E. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property or general welfare as a result of producing excess traffic, noise, smoke, fumes, glare, odors?

For the near future, use will be limited to distillation of neutral grain spirit infusions. There will be little to no smell associated with the production. Future use may include the fermentation of grain before distillation. The smell of fermentation can be likened to baking bread. Prevailing winds will direct odors away from residential areas.

F. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this ordinance for the land use or activities under consideration; and be necessary to ensure compliance with those standards?

The proposed land use will be in compliance with all relevant regulations and standards and will ensure the safety, health, and welfare of the community. The proposed land use is also necessary for the development of the area and the community, it will bring benefits such as job creation and economic growth, improving public services and quality of life. We believe that the proposed land use is fully in line with the intent and purpose of the zoning regulations and that it will meet or exceed all standards established by the ordinance for the land use or activities under consideration.

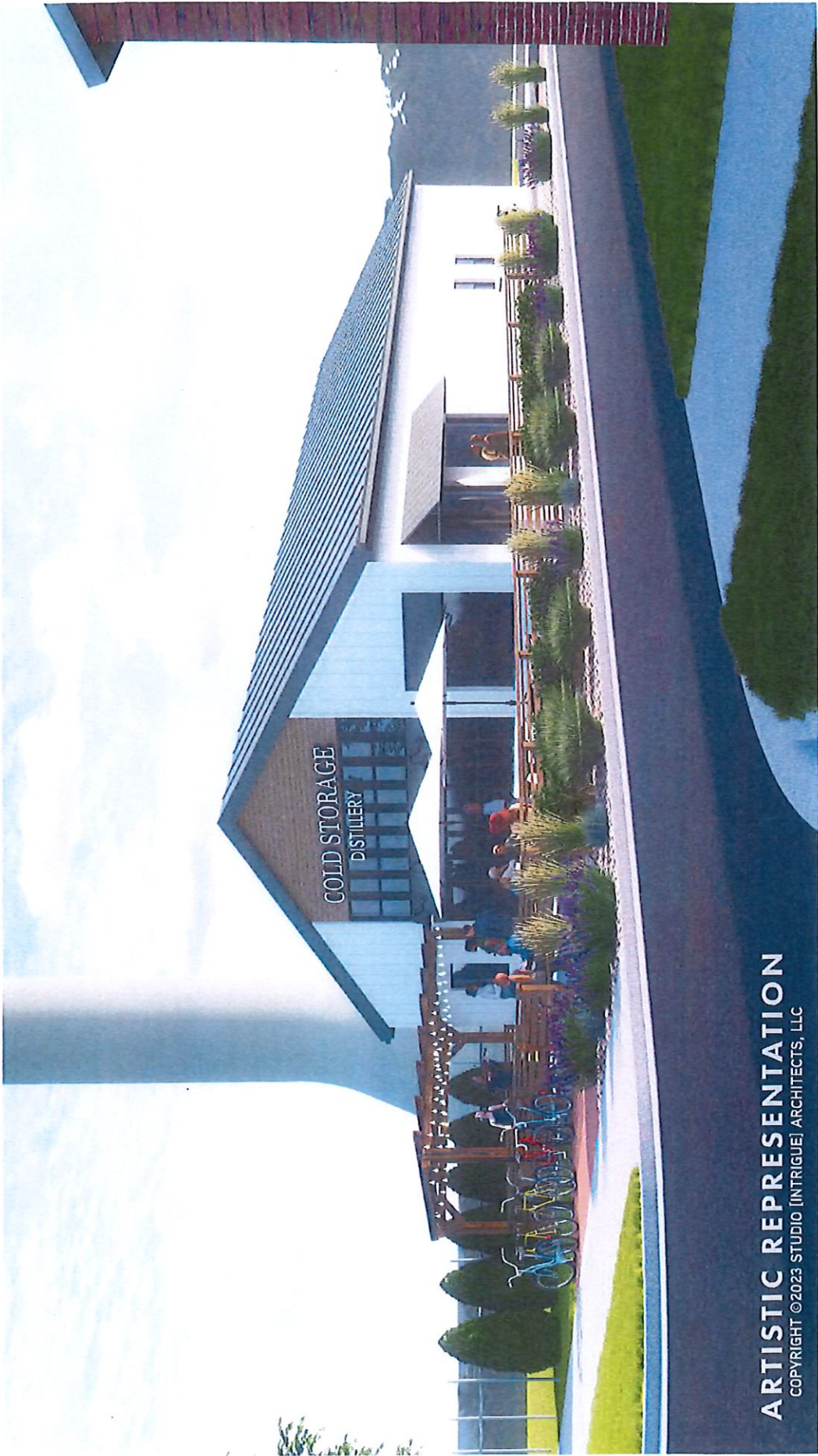
G. Be related to the valid exercise of police power and purpose which are affected by the proposed use or activity?

The proposed use and activities at the site will be in compliance with all relevant regulations and standards, and will not have any negative impact on the community. Furthermore, the proposed use or activity will not impede on the rights of other property owners or the general public.

SPECIFIC STANDARDS FOR SPECIAL LAND USE APPROVAL

7c
pg 12

The Planning Commission will determine if this application complies with any specific requirements for the requested special land use outlined in Article 5, Chapter 2 of the Zoning Ordinance. The applicant must provide a response as to how the proposed project will meet any specific standards for the requested special land use.



ARTISTIC REPRESENTATION
COPYRIGHT ©2023 STUDIO (INTRIGUE) ARCHITECTS, LLC



200 ELEVATOR ST. WILLIAMSTON MI

#22.137.01/19/23

7c
pg 13



City of Williamston

Planning & Community Development

Department 161 E.

Grand River Avenue

Williamston, MI 48895

commdev@williamston-mi.us

7e
pg 1

ZONING BOARD OF APPEALS APPLICATION

PROPERTY OWNER INFORMATION

Property Owner Name: _____ City of Williamston TIFA _____

Property Owner Address: _____ City, State, Zip: _____

Telephone: _____ E-Mail Address: _____

APPLICANT INFORMATION

If the applicant is NOT the property owner, please complete the following:

Applicant Name: Cold Storage Holdings LLC

Applicant Address: 1267 Berkshire Dr. City, State, Zip: Williamston, MI, 48895

Telephone: 517.643.5171 E-Mail Address: szymusiak1@gmail.com Applicant is: Business Owner

PROPERTY INFORMATION

Current Property Use is: *(check box)* Commercial Vacant

Property Address: 200 Elevator St, Williamston, MI Property Zoning District: C-3

Parcel ID Number (PIN): 33-18-07-01-151-026 Property Dimensions: Width: _____

Length: _____ Area: .06 acres

REQUEST FOR ZBA ACTION

Per Section 74-9.402 of the Williamston Zoning Ordinance, the ZBA has the power and duty to hear and decide appeals, interpret the zoning ordinance text and map, and grant dimensional variances. Please select the section for the type of action you are requesting and provide all relevant information in full.

7e
pg 2

Phone (517) 655-2774 www.williamston-mi.us Fax (517) 655-2797
City of Williamston Zoning Board of Appeals Application Planning & Community Development Department Page 2 161 E. Grand River Avenue
Williamston, MI 48895

APPEAL OF ADMINISTRATIVE ACTION

Action Requesting Appeal From: *(Describe the order, requirement, decision or determination made by the City Administration which you are requesting to be reversed or modified.)*

Grounds for Appeal: *(Present any and all information which in your opinion justifies the reversal or modification of the decision of the City Administration. Attach additional sheets if necessary.)*

INTERPRETATION OF ZONING ORDINANCE PROVISIONS/DISTRICT BOUNDARIES Zoning Ordinance

Section Requesting an Interpretation of: _____ Address/Location

Requesting Interpretation of District Boundary: _____

Reason for Interpretation Request: *(State why you are requesting the above interpretation. Attach additional sheets if necessary.)* _____

DIMENSIONAL VARIANCE

Zoning Ordinance Dimensional Requirement: 30' setback from adjacent I-2 property

Proposed Dimension: 5' setback per C-3 zoning Requested Variance: Sec.74.3 103B

Per Section 74-9.406(b) of the Zoning Ordinance a dimensional variance shall not be granted unless the ZBA finds that there is a practical difficulty in carrying out the specific standards of the Zoning Ordinance.

7e
pg 3

The applicant must provide evidence and/or state the reason why:

A. Compliance with the existing regulations unreasonably prevents the owner from using the property for a permitted purpose or that such compliance is unnecessarily burdensome.

The proposed variance would allow the construction of a new approximately 3000 sf micro distilling facility and tasting room that would be adjacent to the I-2 district. The I-2 district in question that is adjacent to the property is a municipal water tower and is not utilized by an industrial use/industry.

B. Granting of the variance will do substantial justice to the applicant as well as to other property owners in the district and be more consistent with the justice provided to other property owners in the zoning district and that a lesser variance would not give sufficient relief to the applicant.

The proposed variance will allow the commercial project to move forward and create jobs and revitalize a commercial district that is in need of development.

C. That there are circumstances or characteristics unique to the property that requires the need for a variance.

The proposed structure that is in need of the variance cannot be constructed elsewhere on the property without compromising the long term viability of the business and building due to the historic structure that occupies the site and will need to undergo significant repairs over time.

D. That the circumstances requiring the granting of a variance are not self-created by the applicant.

No new structures could be built on the property without the requested variance.

E. That granting a variance will insure the spirit of the ordinance will be observed, public safety and welfare protected and substantial justice is provided.

Yes, the variance is in line with the City's masterplan and will create a harmonious use for the street and surrounding properties.

GENERAL REQUIREMENTS FOR ALL ZBA DETERMINATIONS

Per Section 74-9.403(B) of the Zoning Ordinance before granting any decision the ZBA must determine that any action meets the following criteria.

The applicant must provide evidence and/or state the reason why granting a decision in their favor:

A. Will not impair an adequate supply of light and air to adjacent property.

Adjacent property is a water tower with no employees on site regularly.

B. Will not unreasonably increase congestion in public streets.

There is very little traffic on the street and it is a cul-de-sac that does not connect to any other streets.

7e
pg 4

C. Will not increase the danger of fire or endanger the public safety.

The proposed use will not endanger the property to the east that is in question as there are no buildings.

D. Will not unreasonably diminish or impair established property values within the surrounding area.

The adjacent property is city owned.

E. Will not impair the public health, safety, comfort, morals or welfare of the inhabitants of the City.

N/A

ADDITIONAL REQUIRED DOCUMENTS

1) **Proof of Ownership:** Provide proof of ownership such as property tax receipt or copy of deed.

2) **Plot Plan for Dimensional Variance:** For any request for a dimensional variance a drawing **MUST** be attached showing the property lot lines and dimensions, existing building locations, all proposed buildings, any site improvements/changes and specifically show with labels the required zoning ordinance dimension and the proposed dimension.

SIGNATURES

I, _____ (property owner), hereby give permission for Williamston City officials, staff, and consultants to go on the property for which the above referenced Zoning Board of appeals application is proposed for purposes of verifying information provided on the submitted application.

Property Owner Signature: _____ Date: _____



Applicant Signature:

(Ken Szymusiak on behalf of Cold Storage LLC)

Date: 3/18/23

City Use Only:

Fee Paid \$ _____

Date Complete

Application Received:

Te
pg 5

Phone (517) 655-2774 www.williamston-mi.us Fax (517) 655-2797

8a.
Pg 1

**CITY OF WILLIAMSTON
ZONING BOARD OF APPEALS**

PROPOSED RESOLUTIONS

GRANTING AND/OR DENYING

REQUESTED VARIANCE

FOR

**Cold Storage, LLC,
Applicant**

April 18, 2023

8a
pg 2

**PROPOSED RESOLUTION
OPTION 1 - GRANTING VARIANCE**

BE IT RESOLVED that the Williamston Board of Zoning Appeals hereby finds, with respect to the request for the variance requested by Cold Storage, LLC, Applicant, of 1267 Berkshire Dr., Williamston, Michigan, from the side yard setback requirements under the Zoning Ordinance of the City of Williamston, Article 3, Section 3.103.B and Section 3.102, Table 3, for a 25 foot variance in the 30 foot side yard setback to allow for the construction of a 3000 sq. ft. distilling facility and tasting room on the property located at 200 Elevator St., Williamston, Michigan, Tax Id No. 33-18-07-01-151-026, as follows:

1. That the side yard setback variance is necessary because compliance with the strict letter of the side yard setback requirements will unreasonably prevent the owner from using the property for a permitted purpose, or will render conformity with the standards unnecessarily burdensome. Due to the historic structure already on the site, and the required width of the parking lot driveway, the proposed variance is necessary to allow the construction of the new 3000 sq. ft. distilling facility near the property line adjacent to the I-2 district. The adjacent property contains the City's municipal water tower and is not used for industrial purposes.
2. That the side yard setback variance is necessary because a grant of the variance will do substantial justice to the applicant as well as to other property owners in the zoning district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the district. The variance will allow the commercial development of the property, create jobs, and revitalize the commercial district. A lesser variance is not possible due to the existence of the historic building on the property and the parking lot driveway.
3. That the plight of the applicant is due to the unique circumstances of the property. The property is unique in that there is an existing historic building on the property that should be preserved consistent with the City's Master Plan. The proposed structure cannot be constructed elsewhere on the property.
4. That the problem to be addressed by the side yard setback variance is not self-created. Without the variance, no new structures could be built on the property without demolishing the historic structure.
5. That the side yard setback variance will allow the spirit of the Zoning Ordinance to be observed, public safety and welfare secured, and substantial justice done. A grant of the side yard setback variance would permit development of the property, which is adjacent to City-owned property, consistent with the City's Master Plan, and is harmonious with the C-3 district and surrounding properties. Public safety will not be impaired.
6. That the variance will not impair adequate supply of light and air to adjacent properties,

8a
pg 3

unreasonably increase the congestion in public streets, increase the danger of fire or endanger public health, or unreasonably diminish established property values within the surrounding area. The adjacent property is owned by the City, and contains the City's water tower, with no employees regularly on site. There is very little traffic on the street as it is a cul-de-sac that does not connect to any other streets to the east. There are no buildings to the east. Therefore, approval of the variance will not negatively impact other properties, property values, or the public health.

BE IT FURTHER RESOLVED, that based in the aforementioned findings, the Applicant's variance is hereby granted to permit the development of the property by allowing a 25 foot variance in the 30 foot side yard setback requirement, resulting in a 5 foot setback on the east side of the property, to allow the construction of a 3000 sq. ft. distilling facility and tasting room, consistent with the conditionally approved site plan.

8a
pg 4

PROPOSED RESOLUTION
OPTION 2 – GRANTING VARIANCE WITH CONDITIONS

BE IT RESOLVED that the Williamston Board of Zoning Appeals hereby finds, with respect to the request for the variance requested by Cold Storage, LLC, Applicant, of 1267 Berkshire Dr., Williamston, Michigan, from the side yard setback requirements under the Zoning Ordinance of the City of Williamston, Article 3, Section 3.103.B and Section 3.102, Table 3, for a 25 foot variance in the 30 foot side yard setback to allow for the construction of a 3000 sq. ft. distilling facility and tasting room on the property located at 200 Elevator St., Williamston, Michigan, Tax Id No. 33-18-07-01-151-026, as follows:

1. That the side yard setback variance is necessary because compliance with the strict letter of the side yard setback requirements will unreasonably prevent the owner from using the property for a permitted purpose, or will render conformity with the standards unnecessarily burdensome. Due to the historic structure already on the site, and the required width of the parking lot driveway, the proposed variance is necessary to allow the construction of the new 3000 sq. ft. distilling facility near the property line adjacent to the I-2 district. The adjacent property contains the City’s municipal water tower and is not used for industrial purposes.
2. That the side yard setback variance is necessary because a grant of the variance will do substantial justice to the applicant as well as to other property owners in the zoning district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the district. The variance will allow the commercial development of the property, create jobs, and revitalize the commercial district. A lesser variance is not possible due to the existence of the historic building on the property and the parking lot driveway.
3. That the plight of the applicant is due to the unique circumstances of the property. The property is unique in that there is an existing historic building on the property that should be preserved consistent with the City’s Master Plan. The proposed structure cannot be constructed elsewhere on the property.
4. That the problem to be addressed by the side yard setback variance is not self-created. Without the variance, no new structures could be built on the property without demolishing the historic structure.
5. That the side yard setback variance will allow the spirit of the Zoning Ordinance to be observed, public safety and welfare secured, and substantial justice done. A grant of the side yard setback variance would permit development of the property, which is adjacent to City-owned property, consistent with the City’s Master Plan, and is harmonious with the C-3 district and surrounding properties. Public safety will not be impaired.
6. That the variance will not impair adequate supply of light and air to adjacent properties,

8a
Pg 5

unreasonably increase the congestion in public streets, increase the danger of fire or endanger public health, or unreasonably diminish established property values within the surrounding area. The adjacent property is owned by the City, and contains the City's water tower, with no employees regularly on site. There is very little traffic on the street as it is a cul-de-sac that does not connect to any other streets to the east. There are no buildings to the east. Therefore, approval of the variance will not negatively impact other properties, property values, or the public health.

BE IT FURTHER RESOLVED, that based in the aforementioned findings, the Applicant's variance is hereby granted to permit the development of the property by allowing a 25 foot variance in the 30 foot side yard setback requirement, resulting in a 5 foot setback on the east side of the property, to allow the construction of a 3000 sq. ft. distilling facility and tasting room, consistent with the conditionally approved site plan.

BE IT FURTHER RESOLVED, that the variance granted to Applicant shall be subject to strict compliance with the following conditions:

1. The variance must be used within one (1) year from this date.
2. _____
3. _____

4. _____

5. _____

**PROPOSED RESOLUTION
OPTION 3 - DENIAL OF VARIANCE**

BE IT RESOLVED that the Williamston Board of Zoning Appeals hereby finds, with respect to the request for the variance requested by Cold Storage, LLC, Applicant, of 1267 Berkshire Dr., Williamston, Michigan, from the side yard setback requirements under the Zoning Ordinance of the City of Williamston, Article 3, Section 3.103.B and Section 3.102, Table 3, for a 25 foot variance in the 30 foot side yard setback to allow for the construction of a 3000 sq. ft. distilling facility and tasting room on the property located at 200 Elevator St., Williamston, Michigan, Tax Id No. 33-18-07-01-151-026, as follows:

1. That the variance requested is not necessary because the side yard setback requirements are a general condition of other properties in industrial areas of the City, and conformity with those requirements will not unreasonably prevent the owner from using the property for a permitted purpose.
2. That the granting of the variance would detrimentally affect other property owners in the district.
3. That the parcel may be used in full conformity with the zoning ordinance without variances.
4. That the need for a variance was self-created by the Applicant.
5. That the granting of the variance would not be consistent with the general purposes of the Williamston Zoning Ordinance, would not secure public safety and welfare, nor result in substantial justice.
6. That the granting of the variance would not comply with Sec. 9.403(B) of the Zoning Ordinance.

BE IF FURTHER RESOLVED, that based on the aforementioned findings, Applicant's request for variance is hereby denied.

8b
pg 1

Resolution #

Zoning Board of Appeals	
2023 Meeting Dates	
2nd Tuesday of the month	
January 10	July 11
February 14	August 8
March 14	September 12
April 11	October 10
May 9	Nov. 14
June 13	December 12