

**VILLAGE OF PAW PAW
ZONING BOARD OF APPEALS**

November 02, 2015

PRESENT: Acting Chairperson Barb Carpenter, Marcos Flores, Wayne Wilhemi (Alternate)

ABSENT: Chairperson Pioch

ALSO PRESENT: Rebecca Harvey, Village Planning Consultant and one (1) member of the public.

CALL TO ORDER

Acting Chairperson Carpenter called the meeting to order at 7:09 p.m.

APPROVAL OF AGENDA

The agenda was reviewed and approved as presented.

APPROVAL OF MINUTES

The Board determined that consideration of the proposed minutes of the June 1, 2015 Zoning Board of Appeals meeting would be postponed to the next meeting of the Board.

PUBLIC COMMENT REGARDING NON-AGENDA ITEMS

No public comment on non-agenda items was offered.

VARIANCE REQUEST – *Berkshire*

The next matter to come before the Board was the request of Sig Strautmanis of General Capital Group for Variance Approval from the 14 ft minimum first story height requirement applicable within the Downtown Overlay District. The subject property is located at 308 East Michigan Avenue and is within the Downtown Overlay District (DOD).

Sig Strautmanis of General Capital Group was present on behalf of the application. He provided an overview of the Berkshire project (three-story mixed use senior housing development), noting the history of the December 5, 2013 proposal/approval, the subsequent reduction in the number of residential units from 60 to 42 in response to MSHDA market findings, and minor site changes proposed to coordinate with Village Pharmacy renovations.

Mr. Strautmanis explained that the building has been refined to be slightly smaller than originally approved but that the building and site design will remain largely unaltered. He added that the exterior air conditioning units were also removed in the building refinement. He stated that a renewal of the December 5, 2013 site plan approval is scheduled for Planning Commission consideration on December 3, 2015.

Mr. Strautmanis explained that Section 42-254 A. establishes a maximum building height of 42 ft and 3 stories and a minimum first story height of 14 ft, floor to floor. He stated that variance approval is requested to allow for a proposed 12 ft floor to floor height on the first floor.

In support of the variance request, Mr. Strautmanis noted the following:

- the subject site is unique for downtown due to its size; the parcel is large enough to accommodate a building configuration that allows commercial space in the front and residential space to the rear;
- the 14 ft first story height minimum in the downtown area envisions occupancy by commercial space . . . where a taller first story is desired;
- a 10 ft first story height is preferred for residential space due to operational costs (heating, cooling, etc)
- a mix of uses (residential/commercial) on the same story creates a ceiling height discrepancy;
- different first story heights creates second story floor problems; (ie. need for steps, etc.)
- a 12 ft first story height is proposed for both ground floor occupancies;
- the second and third stories will be 10 ft in height which will help make the 12 ft ground floor appear taller;
- the proposed awnings and storefront glass will give the illusion of a 14 ft first story height; visually looks taller and gives height to the ground floor;

- the building façade uses brick building ends and piers to further emphasize the vertical appearance of the building (*reference building elevations*)
- existing buildings within the downtown have varied first floor heights; the proposed 12 ft first floor height would not be inconsistent with the fabric of the downtown (*reference Site Plan – Sheet C2.0*)

No public comment was offered on the matter.

In response to Board questions, Ms. Harvey explained that Section 42-257 – *Modifications to Architectural Requirements* applies to the ‘architectural requirements’ set forth in Sections 42-255 and 42-256 and not the ‘development standards’ set forth in Section 42-254.

The Board then proceeded with a review of the variance criteria set forth in Section 42-66, noting the following findings:

1. The proposed development occupies a large portion of a downtown block - - resulting in a floor plan layout that includes ground floor commercial and residential; a 14 ft first floor height is desired for commercial space but unmarketable in residential space (cost to heat, boxy, difficult for senior residents); providing a 14 ft first floor height in the commercial space but not in the residential space will create a need for 2 floor levels on each upper floor . . also undesirable for senior residents; the proposed 12 ft floor height for ground floor commercial space will meet the intent of the form base code; the proposed 12 ft floor height for ground floor residential space will maintain the marketability of all floors.
2. Most property within the downtown is occupied by buildings with only ground floor commercial - - residential occupancy is limited to the upper stories;
3. The proposed modification in first story height will not alter the approved building design that was found to serve as a positive transition from the residential buildings to the east to the 2-story downtown buildings to the west; the architectural design and placement of the building will continue to be consistent with existing downtown buildings; all other applicable architectural requirements will be met; the proposed architectural elements will visually give height to the first floor; and, first floor heights in existing downtown buildings vary from 14 ft.
4. The condition of the property is not of a ‘general or recurrent nature’ and does not justify an amendment to the Ordinance.

Mr. Wilhemi then moved to grant variance approval from the 14 ft minimum first story height requirement for the proposed Berkshire development. The variance is granted based upon the findings of the Board on the variance criteria set forth in Section 42-66, Zoning Ordinance. Mr. Flores seconded the motion. The motion carried unanimously.

UNFINISHED BUSINESS

No Unfinished Business was scheduled for Board consideration.

NEW BUSINESS

No New Business was scheduled for Board consideration.

MEMBER COMMENTS

No member comments were offered.

VILLAGE MANAGER/PLANNING CONSULTANT COMMENTS

No staff comments were offered.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 7:50 p.m.