



ZONING BOARD OF APPEALS

June 5, 2018

A regular meeting of the City of Petoskey Zoning Board of Appeals was conducted in the City Hall Community Room on Tuesday, June 5, 2018. Roll was called at 7:00 P.M.

Present: Michael Karr, Chair
Mary Clinton
Ben Crockett
Chris Hinrichs
Jim Knibbs
Lori Pall

Staff: Amy Tweeten

Also Present: Jeff and Sandy Grantham, 701 Baxter Street
Patrick McGinn, Harbor Hall, 704 Emmet Street
William Perkins, 709 Jackson Street
Ken Van Every, Harbor Hall, 704 Emmet Street
Bud and Linda Vanderberg, 602 Emmet Street
Jeremy and Kim Wills, 204 State Street

Upon motion and support, the minutes of the May 1, 2018 meeting were approved 6-0.

**Case #825 – Temporary Use Request for
a Seasonal Carwash at 704 Emmet Street**

Staff provided an overview of the request for a weekly carwash at 704 Emmet Street from 1:00-4:00 through October, noting her recommended change to the site plan that would have traffic enter and exit the site from Emmet Street.

Board member Pall asked for staff clarification of the dates as June through October noting the event ran five months.

Chairman Karr then asked for applicant presentation.

Patrick McGinn, Harbor Hall, explained the carwash had been happening for more than 20 years and the only issues they have had were with signs, which they have resolved. The carwash is donation only and money is used to provide recreational opportunities to the residents. The carwash is a good team work activity.

The meeting was then opened to public comment.

Bud Vanderberg, 602 Emmet Street, asked what had triggered the need for this approval as the carwash had been occurring for years without any issues.

Chairman Karr responded that the carwash falls into the category of temporary use, which requires a review process similar to other special events that occur on a repetitive basis.

Jeremy Wills, 204 State Street, stated he always had a positive experience with the carwash, that it provided an opportunity to talk to the residents of Harbor Hall and that they do a good job.

Linda Vanderberg, 602 Emmet Street, and her mother before her, have experienced the carwash for 20 years and never had an issue with it or Harbor Hall residents. She finds them helpful and the community needs to help them succeed.

Jeff Grantham, 701 Baxter Street, noted that he lives immediately adjacent to the proposed carwash location unlike the other neighbors two blocks away. His experience was that the residents begin cleaning staff vehicles around 9:00 a.m. with the public carwash from 1:00-4:00, with vacuuming the entire time. It is noisy on the very days residents are trying to enjoy their yards, and he does not believe it is a temporary use like the farmer's market, that it is much more disruptive. He would ask that more consideration of neighbors be given and that the traffic should stay on the site. He identified the hand-held signs in the street trying to drive traffic to the wash as problematic. He thinks the wash should respect the neighbors and have conditions.

Board Member Clinton asked about the driveway off of Emmet Street and the ordinance about moving signs as she had also experienced the over-exuberant signs. Staff replied that Rush is slightly narrower than a standard street, but with traffic control she thinks traffic can enter and exit safely and that the City Attorney has indicated that moving signs cannot be regulated.

Board Member Pall asked the applicant if they had already held some carwashes, which the applicant replied they had. She noted that the carwash is actually for 6 months and asked how many cars a day were washed. Mr. McGinn responded between 20 and 50 cars.

Chairman Karr asked staff about complaints over the number of years the carwash has occurred and asked where the grass area noted in the agenda memo was located. She responded that complaints have been received about water runoff and noise and that she had a concern about the amount of water going into the storm water system which is why the recommendation for using the grass area for absorption. The applicant noted there is a 3 inch curb to get to the grass.

Board Member Pall replied that the water going to the river is a concern, particularly that it is occurring every weekend for six months.

Chairman Karr asked about the traffic flow and Mr. Van Every, Harbor Hall, identified that he came up with the traffic orientation to keep congestion off of Emmet Street, but they could adapt to the proposed circulation. Chairman Karr understood the water concern, but did not think that tearing up the small lawn for the carwash was the best solution. He asked if the City had explored a car wash kit, to which staff responded it had not.

Board Member Clinton wondered whether the soap being biodegradable lessens the environmental issue.

Board Member Pall felt that if the City might need two kits and wondered if Harbor Hall should be the one to purchase.

Board Member Knibbs commented that if they are only washing the top of the car then he does not see how it is causing pollution.

Board Member Clinton felt that she did not have enough evidence that the carwash was safe or unsafe for the environment and that she would be inclined to grant a one-year approval during which time the City could look into the cost of a carwash kit and get more information on number of cars each week.

Board Member Knibbs asked about the number of vacuums being used and whether they could be moved away from the houses. Mr. Van Every responded that there are two vacuums and two vehicles that are cleaned in the morning.

Board Member Pall questioned whether vacuums should be allowed at all as most charity carwashes do not offer this service. She also felt the sign holders could be aggressive with drivers and wondered if the carwash could be held less frequently.

Board Member Crockett wondered whether the Board would consider another neighborhood for a weekly car wash, or whether it has become acceptable in this neighborhood simply because it has occurred for 20 years.

Chairman Karr noted that the motion may include stipulations such as location or duration and that it is important to consider all the input provided.

Mr. McGinn then volunteered to limit the carwash to twice a month, have access only from Emmet Street and to move the vacuum cleaning closer to Emmet Street.

Chairman Karr appreciated their offer and sensitivity to neighbor concerns.

Board Member Hinrichs stated that he lives on Elizabeth, has used the carwash, thinks it's a nice event and they do a nice job but agrees the twice a month schedule would be better.

Board Member Crockett questioned whether it would be difficult to have every other weekend as people wouldn't know when it was on and asked how there could be follow up on the car wash kits. Staff responded that she would do more research.

Board Member Pall felt that the signage they put at the corners is the best advertisement.

Board Member Clinton summarized what she was comfortable approving which was a Saturday carwash from mid-May to mid-October every other weekend, that traffic would enter and exit Rush Street from Emmet Street, and the vacuuming operations would be moved to the Emmet Street end of the site.

Board Member Hinrichs then made a motion, with support by Board Member Knibbs, to approve a temporary use permit for a biweekly carwash at 704 Emmet Street from 1:00 P.M. to 4:00 P.M. from mid-May to mid-October with the following conditions:

1. Vehicles must enter and exit on Emmet Street; and
2. Vacuums are to be moved toward Emmet Street and away from residences.

The motion was based on the findings that the granting of the temporary use for a carwash does not constitute a change in the basic uses permitted in the district nor on the property where the temporary use is permitted; that the temporary use does not require capital improvements; that the temporary use is in harmony with the general character of the district; and further to protect the public health, safety, peace morals, comfort, convenience and general welfare of the inhabitants of the City of Petoskey.

Board Member Knibbs asked a question regarding the signage issue, but kept motion as presented.

Chairman Karr stated that he believed the concerns regarding moving signs had been heard

Clinton recommended that the motion be clarified to state the carwash is held on Saturdays. Hinrichs and Knibbs agreed to the amendment and the amended motion carried 6-0.

Seeing no further business, the meeting was adjourned at 7:45 P.M.

Minutes reviewed by Benjamin Crocket, Vice Chairman/Secretary