

City Of Birmingham
Regular Meeting Of The Planning Board
Wednesday, April 13, 2022
City Commission Room
151 Martin Street, Birmingham, Michigan

Minutes of the regular meeting of the City of Birmingham Planning Board held on April 13, 2022.
Chair Scott Clein convened the meeting at 7:30 p.m.

A. Roll Call

Present: Chair Scott Clein; Board Members, Stuart Jeffares, Bert Koseck, Daniel Share, Janelle Whipple-Boyce; Alternate Board Member Nasseem Ramin; Student Representative MacKinzie Clein

Absent: Board Members Robin Boyle, Bryan Williams; Alternate Board Member Jason Emerine; Student Representative Andrew Fuller

Administration:

Nick Dupuis, Planning Director
Leah Blizinski, City Planner
Bruce Johnson, Building Official
Jeff Zielke, Assistant Building Official

04-86-22

B. Approval Of The Minutes Of The Regular Planning Board Meeting Of March 23, 2022 And The Special Meeting Of The Planning Board on March 31, 2022

Motion by Mr. Share

Seconded by Ms. Whipple-Boyce to approve the minutes of the Regular Planning Board meeting of March 23, 2022 as submitted.

Motion carried, 6-0.

VOICE VOTE

Yeas: Share, Whipple-Boyce, Clein, Jeffares, Koseck, Ramin

Nays: None

Motion by Mr. Jeffares

Seconded by Ms. Whipple-Boyce to approve the minutes of the Special Planning Board meeting of March 31, 2022 as submitted.

Motion Carried, 5-0.

VOICE VOTE

Yeas: Jeffares, Whipple-Boyce, Clein, Ramin, Share

Nays: None
Abstain: Koseck

04-87-22

C. Chair's Comments

Chair Clein welcomed everyone to the meeting and reviewed the meeting's procedures.

04-88-22

D. Review Of The Agenda

04-89-22

E. Unfinished Business

None.

04-90-22

F. Rezoning Applications

None.

04-91-22

G. Community Impact Study

None.

04-92-22

H. Site Plan & Design Review

1. **191 N. Chester - 191 N. Chester – OneStream – Request for new dumpster enclosure (WITHDAWN)**

04-93-22

I. Special Land Use Permit

None.

04-94-22

J. Site Plan & Design Review

None.

04-95-22

K. Study Session

1. **Outdoor Dining – Public Hearing**

PD Dupuis explained that the public hearing was not noticed for the meeting and thus, could not be held.

Chair Clein requested that language requiring any extensions in front of neighboring property have the subsequent agreements between property owner(s) affected to be re-submitted each year.

Motion by Mr. Share

Seconded by Mr. Koseck to set a public hearing date of May 11, 2022 to consider amendments to the outdoor dining standards.

Motion carried, 6-0

VOICE VOTE

Yeas: Share, Koseck, Clein, Jeffares, Ramin, Whipple-Boyce

Nays: None

Mr. Koseck requested clarification on noticing for ordinance public hearings.

2. Side Yard A/C Units – Study Session

CP Blizinski introduced the item.

Mr. Koseck asked if a/c units are permitted in the side setback, and clarified that a/c units are not allowed in the required side yard open space, but are permitted in the side yard if space permits.

BO Johnson stated that a/c units are considered accessory structures and confirmed Mr. Kosecks statement regarding placement in side setbacks versus required side yards.

In response to Chair Cleins request to state the proposed ordinance language, CP Blizinski read the proposed language to the board.

Mr. Share asked about efficiency ratings and how efficiency may relate to the noise produced by a unit. He continued on to state that he has concerns regarding different components and styles of heating and cooling systems and how the proposed ordinance language would regulate equipment that may not be considered a traditional a/c unit.

BO Johnson stated background information regarding the issue and the concerns that the proposed ordinance was written to resolve. He explained that in the event that an existing nonconforming side yard a/c unit were to fail during the high temperature summer, the process to either (1) move the a/c unit to the rear yard to comply with current ordinance or (2) seek a variance from the Board of Zoning Appeals could prove to be ~~uncomfortable and in some cases dangerous for residents~~ **lengthy, causing unnecessary discomfort and in some cases danger to residents.**

Ms. Whipple-Boyce expressed concerns regarding consistent regulation with the proposed ordinance and how it would be applied in different conditions.

Chair Clein asked for clarification as to what issue the board is trying to solve based on the proposed language provided by staff.

CP Blizinski clarified that the proposed ordinance language was based on her research into how adjacent communities regulate a/c units and their placement in the side yard. She stated that the explicit issue was to allow nonconforming a/c units to be replaced, but that her research findings suggested that there was an opportunity to permit a/c units in the side yard open space based on technological improvements that reduce noise and to promote efficiency.

Mr. Koseck stated that he feels that despite the technological advancements, the noise is still an issue with a/c units and feels as though a/c units are better placed in the rear yard. However, he is in favor of allowing homeowners to replace existing units in the side yard.

The board discussed the issues with bringing a/c units up to code during replacements including the need for new pads, connections and efficiency.

Mr. Jeffares added that there is also a potential requirement for other items to be brought up to code during a/c replacement such as electrical.

The board agreed that the language should be brought back for further study based on comments from the review.

Public Comment

Patrick Hillberg, resident, explained that he originated the concern that predicated this review, and that he has major concerns regarding public health and comfort during heat waves that are related to the speed at which a/c units can be replaced.

3. Barrier-Free Ramps – Study Session

PD Dupuis introduced the item.

Mr. Share asked if the reference to the residential building code would be adequate in regulating the size and location of the ramp.

Chair Clein, Mr. Share and Staff clarified that this proposed ordinance prevents any unintended consequences relating to accessibility ramps and excessive projections into the front or rear yard, and suggested adding width requirements to the language to prevent unnecessarily wide ramps.

Motion by Mr. Share

Seconded by Mr. Koseck to set a public hearing date of May 11, 2022 to amend Article 4, Section 4.30, Open Space Standards, to add language to permit accessibility ramps in the required open space.

Motion carried, 6-0

VOICE VOTE

Yeas: Share, Koseck, Clein, Jeffares, Ramin, Whipple-Boyce

Nays: None

4. Front Yard Setbacks – Study Session

PD Dupuis introduced the item.

Ms. Whipple-Boyce commended the ordinance and was supportive of the change. She went on to ask if there is anything that can be done to address homes that are currently being built under the current standards.

Mr. Koseck asked how the front lot line is determined.

Public Comment

Cindy Rose, resident, thanked the Planning Board for looking into the item and was supportive of the new language.

Motion by Ms. Whipple-Boyce

Seconded by Mr. Koseck to set a public hearing date of May 11, 2022 to amend Article 2, Sections 2.04, 2.06, 2.08 and 2.10 to modify the minimum front yard setback requirement.

Motion carried, 6-0

VOICE VOTE

Yeas: Whipple-Boyce, Koseck, Klein, Jeffares, Ramin, Share

Nays: None

Mr. Koseck stated that based on his experience working with our ordinance, he was very glad to see some of these things are being cleared up.

04-96-22

L. Miscellaneous Business and Communications

1. Pre-Application Discussions

i. 115 Willits – Mare

PD Dupuis summarized the item and asked the Board what the application process should be for the proposed pergola.

Antonino Cutraro, owner of Bella Piatti and Mare Mediterranean, detailed the proposed pergola and explained that the impetus for the proposal was weather-based.

The Board discussed the construction of the pergola and the attachments that would be required to secure the pergola.

The Board recommended Administrative Approval for the basic black table umbrellas, but asked that the pergola proposal be brought before the Board through a Special Land Use Permit Amendment.

2. Communications

i. Joint Meeting with City Commission – Monday April 18, 2022

The Board clarified that this meeting is only to discuss the 2040 Plan.

3. Administrative Approval Correspondence

4. Draft Agenda

5. Other Business

i. Action List – 2022

04-97-22

L. Planning Division Action Items

a. Staff Report on Previous Requests

b. Additional Items from tonight's meeting

04-98-22

M. Adjournment

No further business being evident, the Chair adjourned the meeting at 9:03 p.m.



Nick Dupuis
Planning Director