

Zoning Board of Appeals
June 9, 2015

I. Call To Order

The June 9, 2015 ZBA meeting was called to order at 5:35 p.m. by Vice Chair Rice.

II. Roll Call of the Board

Present: R Rice, B Branche, D Ruff, M Tymkew, J Tazzi

Also Present: S Mitchell, City Manager; J Tracy, Planning & Zoning Director; S MacGeorge, Recording Secretary

Absent: H Zblewski

III. Approval of Prior Meeting Minutes

Tymkew moved, Tazzi supported, CARRIED, to approve the October 14, 2014 meeting minutes as drafted.

IV. Correspondence – None

V. Order of Business

A. Public Hearing

1. Use Variance Request: 300 B Drive N, Albion, Michigan

The property owner, Oaklawn Hospital/Ella EM Brown Circle, is requesting a se variance from Section 30-243 Permitted Uses.

Variance is requested for the proposed use of a new Dialysis Clinic to be located in a new building proposed to be erected and located next to an existing building that houses an existing medical clinic and physical therapy center.

The Public Hearing was opened at 5:38 p.m. and the Chair summarized the process.

Tracy reported that the applicant is requesting a use variance for a proposed Dialysis Clinic to be located in a new building proposed to be erected and located next to an existing building that houses an existing

medical clinic and physical therapy center on the premises of 300 B Drive N.

A variance is needed because Section 30-243 Permitted Uses does not list a medical clinic as a use by right or special use requiring Planning Commission approval. A variance is needed in order to build a new building next to an existing building located at 300 B Drive N to house a dialysis clinic. The applicant needs to place the dialysis clinic next to the existing services offered as they are planning to share services and staff between the clinics. The objective is to have the patients using dialysis services be able to walk or be wheeled down the sidewalk between the buildings to their scheduled doctor appointments. This way they can receive all of their needed services at one time. Because of the intent to sharing services and staff between the buildings, it would cause a hardship to Oaklawn Hospital to have this use variance denied and not be able to expand services at this property.

This would be a \$2.5-3 million dollar project. The applicant would like to start groundbreaking in June and be open for business in December 2015.

Tracy noted that no such variance in the provisions or requirements of this chapter shall be authorized by the board unless the board finds, beyond reasonable doubt, that all of the following facts and conditions exist:

1. That there are exceptional or extraordinary conditions applying to the property that do not apply to other properties or classes of users in the same zoning district;
2. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.
3. That the authorizing of such variance will not be substantial detriment to adjacent property and will not impair the purposes of this ordinance or the public interest.
4. That such variance shall in no manner or guise be construed to mean a change of use, but shall mean only a variation or modification from the provisions of this chapter.

Staff recommends that the board approve requested use variance due to the current established use of said property for doctor offices/clinic and rehabilitation center and hardship that would be caused to deny proposed use variance for dialysis clinic to be located next door in a new building to be erected, allowing for dialysis and doctor care in one central location.

Tracy received correspondence from Chairperson Zblewski who was unable to attend the meeting. She wanted the commission to know that

she would vote in the affirmative to the variance if she were present as she considered a denial to present a hardship to the applicant.

Public comments in support of the variance were received by Joanna Tarkiewicz, Assistant Director of Plant Operations Oaklawn Hospital; Mike Beck, Executive Director of Marketing & Development Oaklawn Hospital; Randy Fisher, Gordon Martin Builders.

There were no comments received in opposition.

The public speaking portion of the hearing was closed at 5:56 p.m.

Tymkew moved, Branche supported, CARRIED, to accept the finding of the facts.

The chair called for deliberations. Comments were received from Rice and Tymkew.

Tymkew moved, Tazzi supported, CARRIED, to approve the use variance as requested for the property at 300 B Drive N for the Dialysis Clinic. (rcv 5-0)

VI. Miscellaneous – None

VII. Excuse Absent Commissioners

Tazzi moved, Branche supported, CARRIED, to excuse absent commissioner Zblewski.

VIII. Citizen Comments – None

IX. Adjournment

Ruff moved, Branche supported, CARRIED, to adjourn the meeting. Meeting adjourned at 5:57 p.m.

Recorded By: Sandee MacGeorge, Recording Secretary