

**CITY OF IRON RIVER  
ZONING BOARD OF APPEALS  
PUBLIC HEARING  
Thursday, March 3, 2022  
4:30 PM  
Minutes**

Deputy Mayor Rodney Dood called the meeting to order at 4:30 p.m., in the Council Chambers of the Iron River City Hall.

Roll Call: Anthony Clements, Benjamin Garcia, Ronjo Leonoff and Dood.

Absent: Dennis Powell

Also present: City Manager Rachel Andreski, City Clerk/Deputy Treasurer Bernadette Coates.

Public in attendance: Jere Fritsche and Gary Pisoni.

**APPROVE MINUTES**

Leonoff moved with support from Garcia to approve the August 5, 2021, Public Hearing Minutes as presented. All in favor; Motion carried. Absent: Powell.

**GARY L. PISONI – Side Yard Setback Variance Request:**

The purpose of this meeting is to hear an appeal of the five-foot property line set back ruling and consider a variance request to increase the building size from a width of 28 feet to 30 feet at 232 W Boyington Street. In March of 2020 the building roof collapsed due to a heavy snow load. The building was 28 feet by 50 feet. Pisoni would like to rebuild the building on the present footprint but would like to move the East wall two feet East to make it a 30 foot by 50-foot building. The reason for the increase is that he will need a 12 foot and a 10-foot-wide garage door for moving equipment in and out. Mr. Pisoni handed out a picture to all of the building looking north.

**Call for Public Comment:**

None.

**Consideration of Appeal:**

Andreski brought attention to the fact that a Member of the Zoning Board had a conflict of interest. She said she recently learned that the Member should abstain and not participate in the item and should leave the room. If it is a smaller group like ours, the Member could sit in the back of the room, however, they are not able to make comment or participate in any discussion or vote. She said it is important to vacate his seat prior to any discussion or deliberation on the case. It is not ethical to go through the public hearing process and then before a vote declare the conflict. In the case of Zoning Board of Appeals, they should not participate whatsoever.

Garcia said he contacted City Attorney Tousignant late and did not read his reply. He thought he could at least speak as a resident for public comment otherwise he would have had his wife come to speak on their behalf. Garcia moved with support from Clements to remove himself from the meeting due to a conflict of interest. All in favor. Motion carried. Absent – Powell.

Pisoni said the reason for his variance request is to increase the size of the building from 28 feet to 30 feet wide to allow room to install a 10 foot and 12-foot-wide overhead garage doors. The roof would be a conventional gable roof with seamless rain gutters. Plans would still leave room for him to do maintenance along the east side of the building. He said ideally, he would like to purchase the lot to the east or at least obtain an easement from that neighbor.

Dood said there is criteria set for the ZBA to follow, and they do not like to grant variances unless it is extenuating circumstances. He asked if this ordinance prevents or restricts the owner from using the property for a permitted purpose.

Pisoni said since the building had collapsed due to snow, and he would like to be able to rebuild the structure two feet wider to line up with a grandfathered structure that is existing. The cement slab that is still there is not in good shape. He would put in a four-foot frost wall with an exterior concrete wall on top which would also be four feet. He said the walls would be a total of 14 feet high. He said he would also like to add a gable roof to the existing structure.

Leonoff said since the ordinance prohibits any construction on City lots and someone is willing to build a new building to clean up the area, he would like to see the variance granted.

Dood said there would not be an issue to rebuild if the structure would be rebuilt on the existing foundation footprint. Adding a gable roof would also encroach on the neighbor's property and ordinances are in place to protect neighbors and the City. He said unfortunately a building came down and now to rebuild, Pisoni needs to start over, and the property could still be used for its intended purpose. He said two 10-foot doors or one larger one could still be installed in a 28-foot wall. He said building a new roof on the existing building would require another Land Use Permit at that time.

Pisoni asked if he could obtain a three-foot easement from the neighbor, would he be able to build to the 30-foot-wide plan. Clements said if both parties are consenting, they would take that into consideration, but it wouldn't be guaranteed.

Clements moved with support from Leonoff to deny the variance as presented and only allowing to rebuild on the existing footprint of 28 foot wide by 50 foot long with the west wall lining up with the existing building.

Roll Call: Ayes – 3: Leonoff, Clements and Dood. Nays – 0: Absent – 2: Garcia and Powell. All in favor; Motion carried.

#### **ADJOURNMENT**

Vice Chair Dood adjourned the meeting at 5:29 p.m. All in favor; Absent – Powell. Motion carried.



Bernadette Coates, City Clerk