

Memo

To: Zoning Board of Appeals
From: Bryan Myrkle, Director of Community Development
Date: September 17, 2014
Re: Variance Request – Raul Escamilla

There is a request for a Zoning Variance this board needs to address at its Sept. 22 meeting.

Raul Escamilla, owner of Don Tequila's Mexican Grill, is asking for a variance that would allow the construction of a storage and refrigeration addition to the restaurant.

Don Tequila's is located in the former Michigan Central Railroad depot at 430 N. Cochran Ave., which has been home to a variety of restaurants and other commercial uses for decades.

Due to its unique historic circumstances, the site is irregular in shape, very close to the railroad Right-of-Way, and otherwise constricted. This is creating what the variance application describes as *"a practical difficulty or unique condition that relates to my property and is not self-created."*

As stated in the application, the proximity to the railroad imposes severe site restrictions. No other practical location exists on the site for this expansion, as the balance of the property is used for parking.

These site restrictions mean it is not possible for Mr. Escamilla to build this addition to the building while abiding by the city's side yard setback standards. The site is zoned I-1 Light Industrial, which normally requires a 20-foot side yard setback for structures.

In my opinion, this is a good example of a development that would qualify for a variance, and I recommend its approval to the board.

It should be noted that due to some confusion between the Mr. Escamilla and city staff, he has already started the project. We have issued a stop-work order and he is complying with it. However, the fact that the project has already started is not something the board needs to consider as it evaluates this request for variance.

Zoning Board of Appeals
Application

Name: Raul Escamilla

Address: 228 Cranmer, Charlotte, MI 48813

Telephone: Day _____ Evening _____

Address and Location of Property: 430 N. Cochran Avenue, Charlotte

Legal Description of Property (attach if necessary): Attached

Interest in property (check one):

- Owner Option Tenant _____

Current Zoning (check one):

- R-1 R-2 RT RM-1 RM-2 MH
 OS-1 B-1 B-2 B-3 CBD PD
 IRO I-1 I-2 P-1

Current Use (check one):

- Residential Vacant Office Industrial _____
 Institutional Commercial Rental

Request for (check one):

- Interpretation Administrative review
 Variance Exception/Special approval permit
 Use Variance
 Non Use Variance

Zoning Ordinance Section(s): 82-426: I-1

Details of Request: Propose to construct a storage and refrigeration addition to northeast side of building that encroaches into required side yard setback from railroad right of way approximately 11 feet 5 inches.

I hereby authorize the members of the Zoning Board of Appeals to enter onto the above mentioned property for inspection purposes.

Signature of Applicant _____ Date _____

TYPE OF VARIANCE BEING REQUESTED

- Use Variance permits a use of land that is otherwise not allowed in that district.

Example – Temporary use as allowed in the ordinance

- Non-Use Variance – Dimensional Variance permits a modification of yard set backs, building heights, parking requirements, landscaping, or buffering restrictions and related building or facility placement matters and sizes.

I/we have a practical difficulty or unique condition that relates to my property and is not self-created. That unique condition or circumstance is

Proximity to railroad imposes severe site restrictions not compatible with commercial use. No other practical location on site for expansion. Property is unlikely to ever revert to a railroad use.

Examples of Unique: Narrow lot, irregular shape of lot, shallow lot topographic or natural characteristics lot size.

- Other unique circumstance, explain:

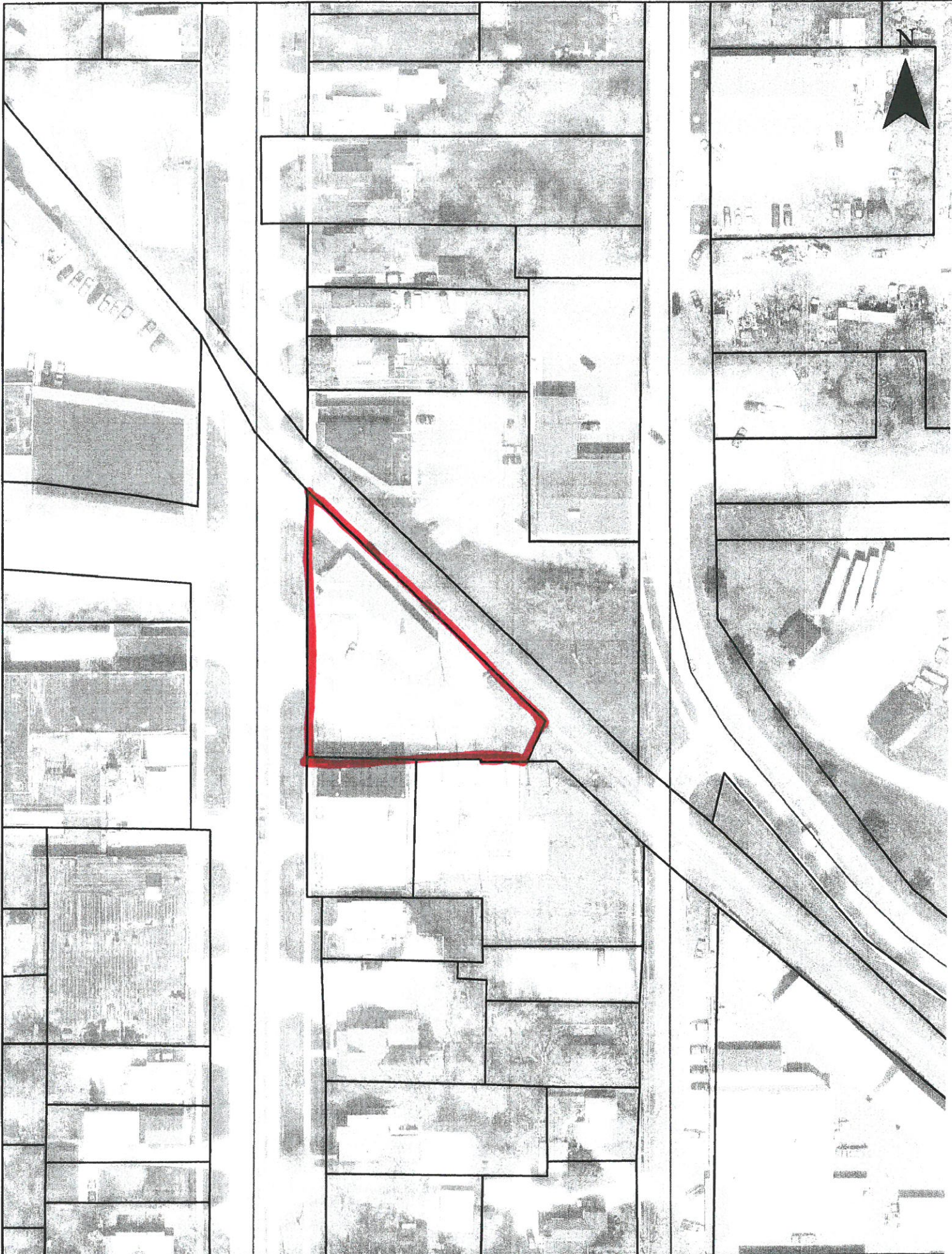
- Lot is irregular in shape
- Lot is tightly restricted by railroad R.O.W.
- Balance of lot needed for parking

Signature _____

Date _____

LEGAL DESCRIPTION

COM 199.33 FT N & 50 FT E OF SW CORNER SEC.7, E 130 FT, S 2 FT, E 37 FT, N 24DEG 28MIN E 37.25 FT M/L TO A PT 12 FT SWLY AT R/A FROM C/L R.R., NWLY AT EQUAL DIST. FROM C/L 258 FT TO E LINE COCHRAN, S 212.30 FT TO BEG. SEC.7, T2N,R4W, CITY OF CHARLOTTE 1982



DAVIS CHIROPRACTIC CENTER

GRAND TRUNK WESTERN RAILROAD

ASPHALT

Location of addition

THE DEPOT RESTAURANT
430 N. COCHRAN

APPROXIMATE PROPERTY LINE

APPROXIMATE PROPERTY LINE

ASPHALT

ASPHALT

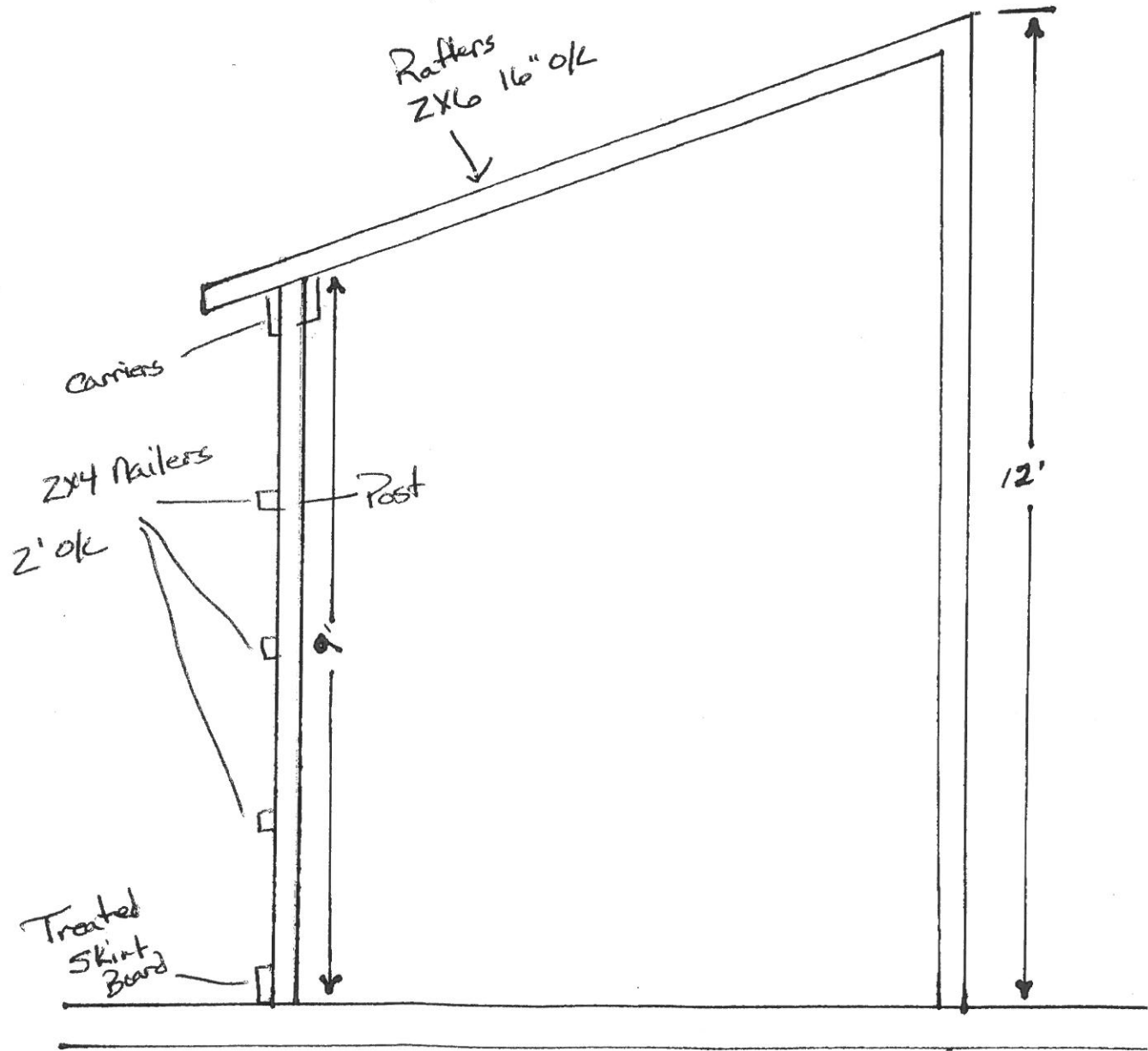
APPROXIMATE LOCATION OF FORMER RAILROAD SPUR

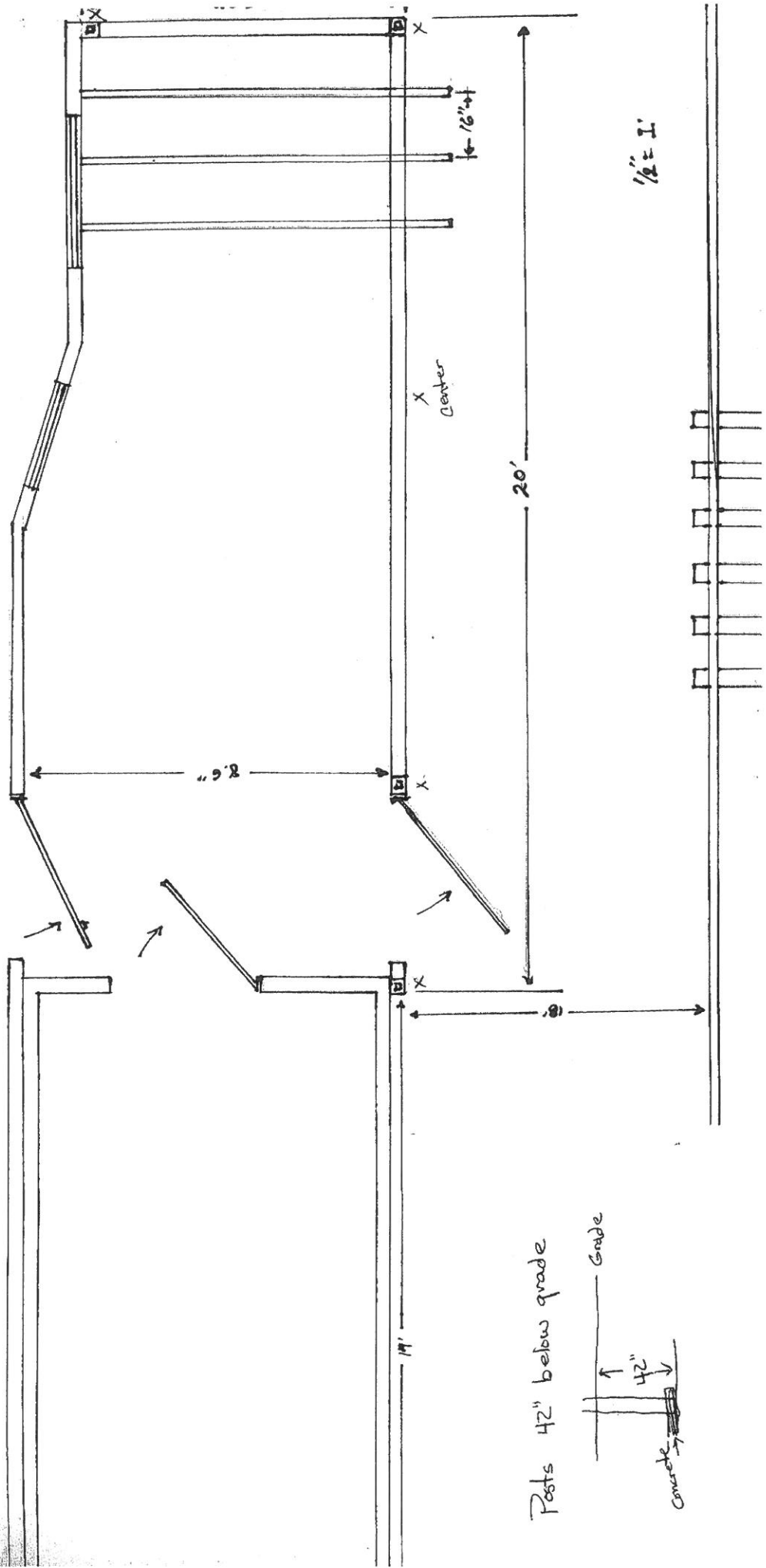
ASPHALT

APPROXIMATE PROPERTY LINE

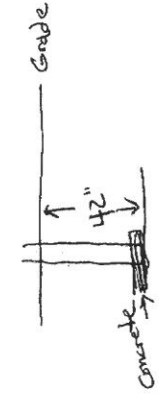
2 STORY
VACANT BUILDING

CONSUMERS POWER COMPANY
ELECTRIC SUBSTATION





Posts 42" below grade



1/2" x 1"