

To: City of the Village of Douglas Planning Commission
Date: February 1, 2024
From: Sean Homyen, Deputy Clerk
RE: 111 Wall St. Special Land Use – Residential Use of an Accessory Building



The Village of Friendliness – Since 1870

REQUEST

Thomas and Liana Allison, property owners, have submitted an application for Special Land Use review for the Residential Use of an Accessory Building, per Section. 26.31 of the City of the Village of Douglas Zoning Ordinance on a parcel of land described as Parcel No. 59-551-005-00, located at 111 Wall Street in the R-3, Neighborhood Conservation District. The parcel is also described as lot 5 of Spencer’s Addition plat. The subject parcel is generally located on the south side of an unimproved section of the west end of Wall Street, just west of the Wall Street / Union Street intersection.

BACKGROUND

The subject property is a .19-acre (8276.4 square feet) parcel located in the R-3, Residential District. The residential structure, constructed in 2005, is currently used for residential purposes, which is permitted use in the R-3 District. The property owners recently purchased the home and would like to finish the second level of the existing garage to add living space. The applicant’s stated purpose for the residential use of the accessory building is to provide comfortable, overnight accommodations for friends and family that visit.

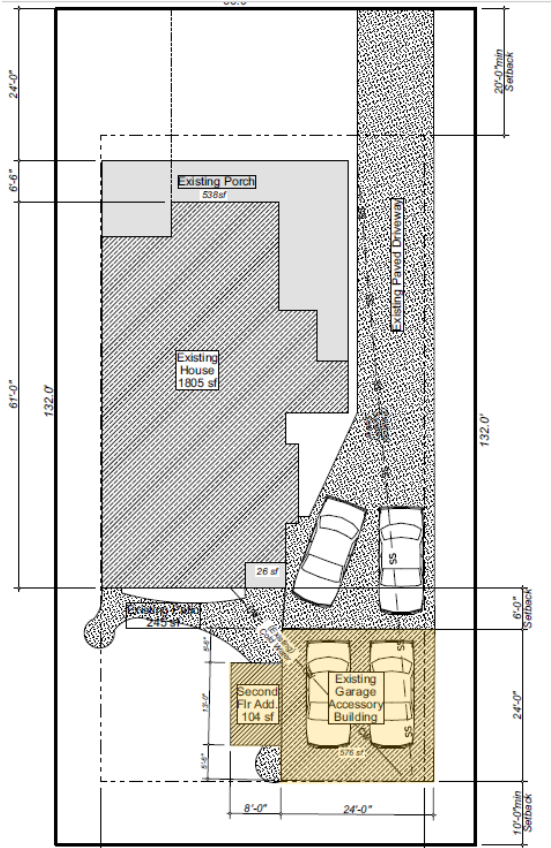


PROCEDURE

Section 6.02 of the Zoning Ordinance outlines uses in the R-3 district. Sec. 6.02(B) lists the Residential Use of an Accessory Building as a use that may be permitted after obtaining Special Land Use approval from the Planning Commission when all applicable standards in Article 26, Special Land Uses, are met. Article 24, Site Plan Review indicates that all special land uses are subject to site plan review, however, most of the required data required in Section 24.02 is not applicable, since the request is related to a residential property and its proposed interior improvements. The Planning Commission is the final approving authority for special land use requests. It is tasked with reviewing the special land use standards outlined in Section 26.31, and offering an approval, with or without conditions, denial, or tabling of the request.

SPECIAL LAND USE CONSIDERATION

Sec. 26.31 outlines the special land use requirements for the Residential Use of an Accessory Building. These requirements are listed below, along with staff's analysis and comments:



- 1. Locational Requirements:** Residential use of an accessory building is permitted only in the R-3 Neighborhood Conservation District, the R-4 Harbor Residential District, and the R-5 Multiple Family District, and only if the principal building is a one-family dwelling.

Comment: The property is located in the R-3, Neighborhood Conservation District, and the principal building is a single-family home. This requirement is met.

- 2. Site Requirements:** The parcel must be large enough to meet all the requirements of a lot in this district and the requirements below.

Comment: The subject parcel is 8276.4 square feet in size and exceeds the minimum for the R-3 Zoning District, (7,920 square feet for single-family). This requirement is met.

3. Performace Standards:

- Residential use of an accessory building shall either be on the second story of a preexisting accessory building or on the second story of a new accessory building no*

larger than the maximum size permitted for an accessory building in the R-3 District, except in no case shall the accessory building be larger than one-half (1/2) the size of the principal building.

Comment: The proposed residential use is proposed on the second story of an existing accessory building. The principal building is 1,805 square feet and the proposed residential area within the existing accessory building would be 680 square feet. The square footage dedicated to half the principal structure is 902.5 square feet. Thus, this requirement is met.

- b.** *Any lot within the R-4 or R-5 District upon which an accessory dwelling unit is proposed shall meet the minimum lot area and frontage requirements for a two-family dwelling.*

Comment: N/A

- c.** *All setback, lot coverage and other lot requirements shall be observed for principal and accessory structures.*

Comment: The principal and accessory structures meet the setback requirements, lot coverage and other lot requirements in Sec 3.12. This is noted on the site plan. This requirement is met.

- d.** *Provision for wastewater disposal, either by public sanitary sewer or expanded private on-site facilities, shall be required.*

Comment: The proposed residential area is planned to connect to utilities for water and sanitary sewer. This is shown on the site plan. This requirement is met.

- e.** *The accessory dwelling unit shall have a minimum of four hundred (400) square feet.*

Comment: The main floor of the garage is 576 SF and the second level is 680 SF. This requirement is met.

- f.** *The accessory dwelling shall provide adequate access for emergency vehicles*

Comment: This requirement appears to be met. The applicant must obtain a zoning permit which is reviewed by the fire department prior to issuance. A condition has been added that any and all requirements of the fire department shall be met.

- g.** *No commercial use of the accessory building is permitted.*

Comment: A condition has been added that the applicant shall not use the accessory building for any commercial purposes. A violation of any conditions of approval of the special use permit could be cause for revocation of the special use permit.

- h.** *The accessory dwelling shall comply with all Building Code requirements and any other applicable codes for a dwelling under this Ordinance.*

Comment: The modifications proposed to the existing accessory building must be reviewed by the building inspector for compliance with all applicable building codes prior to the issuance of the building permit. The construction plans have been included in the submittal. A condition is added to cover this requirement.

- i.** *Any additional parking as needed or required by this Ordinance shall be provided in an off-street space.*

Comment: The Planning Commission may find that this is met. The additional off-street parking spaces are shown on the site plan.

- j.** *Separate sale or ownership of the accessory unit from the primary dwelling on a lot or parcel is prohibited as is division of the parcel unless each new lot with a dwelling complies with all requirements for a lot in the District.*

Comment: This standard is reviewed upon the application for a land division. The applicant has not indicated any plans to separate the accessory building from the main parcel. It should be noted that in this case, the land occupied by the accessory building would not meet the minimum requirements for the district as it relates to minimum area and frontage on a public or private street.

- k.** *The owner of the property shall reside in either the accessory dwelling unit or the principal dwelling unit.*

Comment: This appears to be met. The applicant resides in the principal dwelling unit.

- l.** *The Planning Commission may impose any other reasonable conditions deemed necessary to protect adjoining properties and the public welfare.*

Comment: Standard conditions are recommended and listed in the following section of this report. The Planning Commission has the authority to impose any additional reasonable conditions as may be necessary to meet this standard.

m. *All exterior lighting shall be in accordance with Section 19.05(6) and 24.03(9) hereof.*

Comment: The plan does not show any lighting. A condition has been added that addresses lighting, should any additional exterior lighting be proposed to the building addition.

RECOMMENDATION. If the Planning Commission concurs that the standards of the ordinance have been met, staff recommends approval of the request for the residential use of the second floor of the existing accessory building located at 111 Wall Street, subject to the following conditions:

1. The applicant shall obtain a zoning permit prior to any modifications to the accessory building.
2. The applicant shall obtain a building permit from MTS prior to commencing construction on the accessory building related to planned modifications for the residential use on the upper level.
3. The subject accessory building shall not be used for any commercial purposes.
4. Any proposed exterior lighting to the accessory building addition must comply with Zoning Ordinance Sections 19.05(6) and 24.03(9).
5. Any future use of the accessory building as a short-term rental as defined in zoning ordinance Section 2.20, shall obtain a registration in the manner outlined in Section 26.34 of the City of the Village of Douglas Zoning Ordinance.

Suggested Motion:

I move to [approve / approve with conditions / deny / table] the request made by Thomas and Liana Allison for special land use approval for the Residential Use of an Accessory Building, per Section 26.31 of the City of the Village of Douglas Zoning Ordinance on the parcel described as P.P 59-551-005-00, located at 111 Wall Street, based on the findings outlined in the staff report dated February 1, 2024, and subject to the 5 conditions listed.

Application for Special Use Permit/Home Occupation
City of The Village of Douglas Planning Commission

1. Name Thomas and Liana Allison

2. Address 111 Wall Street, Douglas, MI 49406

3. Phone 847-321-8662

4. Legal Description of property subject of request:

Residential use of pre-existing accessory building

5. Street address of property subject of request:

111 Wall Street, Douglas, MI

6. Is applicant the owner of the property? YES

7. How has the property been zoned? R-3 NBHD CONSER

a. If you are requesting approval for home occupation, please submit with this application the following information:

b. The total floor area of the residence:

576 existing SF; 104 additional SF; 680 total SF

c. The area of the room or rooms of the house to be utilized in the conduct of the home operation:

Bedroom, loft, kitchen, bathroom, living room

d. A sketch of the floor plan and the area to be utilized in the conduct of the home occupation:

Enclosed

e. Describe the nature of the home occupation:

Guest house

Please note that all home occupations can only be approved subject to the limitations provided in Sec. 14.5 of the Zoning Ordinance.

8. Unless already described in #8, give a brief description of the SPECIAL USE requested.

Residential use of an accessory building subject to section 26.31.

- Off-street parking exists
- Setbacks are observed
- Wastewater disposal exists currently
- Existing accessory building with addition meets minimum size requirements
- There is adequate access for emergency vehicles
- Separate ownership/sale of accessory building is not allowed and is understood
- Exterior lighting will be in compliance
- No commercial use is intended
- Building permits will be obtained.

9. Is the SPECIAL USE that you are requesting provided for under CHAPTER 25 of the Douglas Village Zoning Ordinance?

Yes.

I certify that I have read and understand Article 25—Special Use Procedures of the Zoning Ordinance and that all of the information provided herein is true and accurate to the best of my knowledge, information, and belief.

Signature of Applicant/Date:

Liana Allison 1/10/24

(original hard copy of signed application is on file with City of Douglas Village Hall along with \$1,000 payment and \$2,000 escrow)

SUMMARY OF PLANNING COMMISSION ACTION

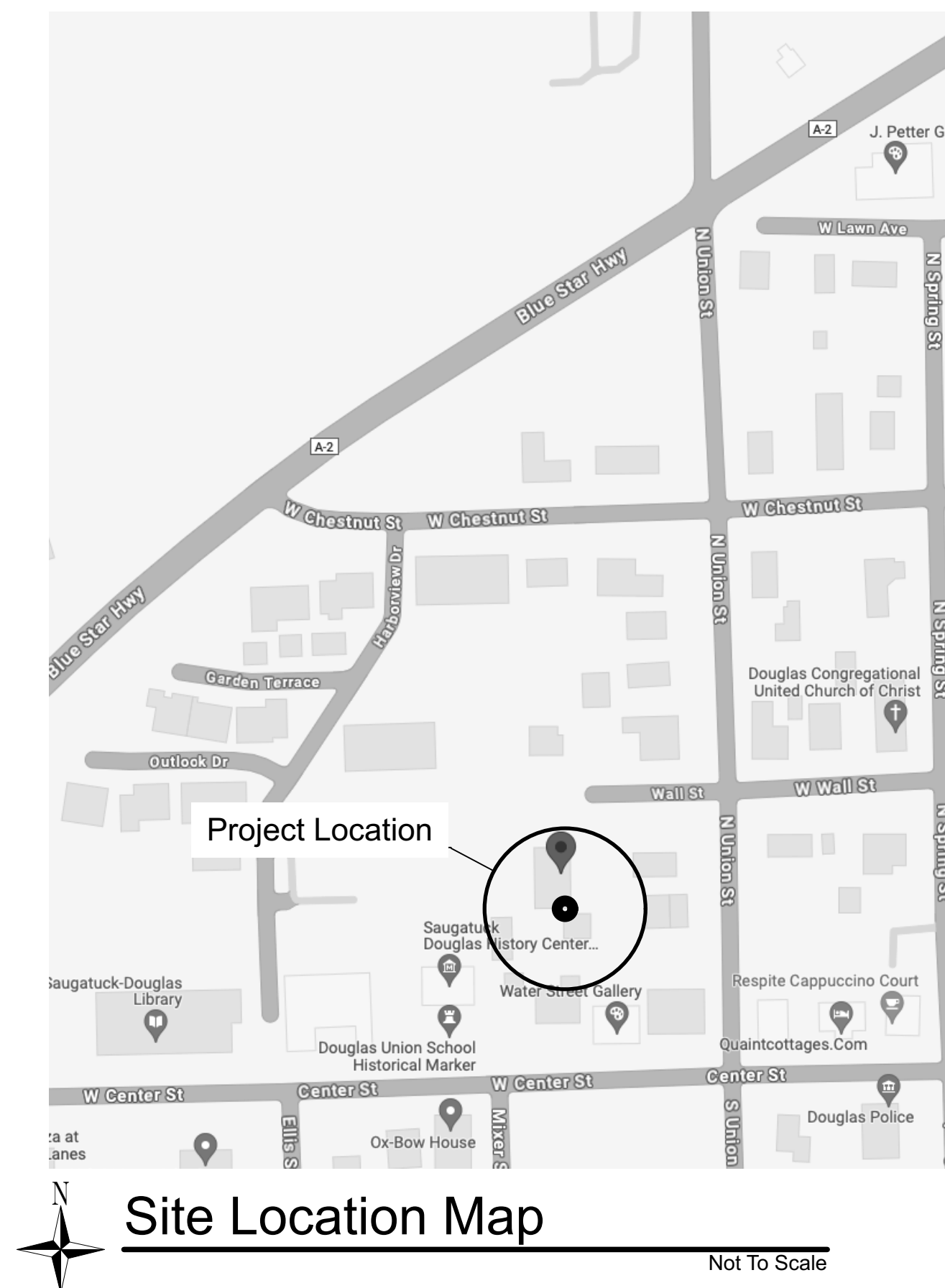
1. Date of public hearing, if one was held:

2. Action taken by Planning Commission and date taken:

3. Application was denied for the following reasons:

Tom & Liana Allison

111 Wall Street Douglas, MI



Site Location Map

Not To Scale

Sheet Index

- T1 Title, Sheet Index, Notes
- S1 Site Plan
- A3 Floor Plans, Notes
- A6 Exterior Elevations

Project Information

Governing Codes:
 • Michigan Residential Code 2015; Incorporating the 2015 International Residential Code
 • Michigan Plumbing Code 2015
 • Michigan Mechanical Code 2015
 • Michigan Electrical Code 2017
 • ICC/ANSI A117.1-2013

Code of Ordinances: City of Douglas, MI

Enforcing Agency: City of Douglas, MI

Zoning: R -3 Neighborhood Conservation District

SITE ADDRESS: 111 Wall Street Douglas, MI

Building Construction Type: 5B

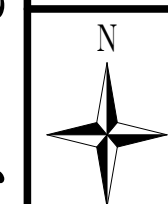
Structural Design Notes

- SOIL BEARING: 1,500 - 2,000 PSF
- CONCRETE: 2,500 PSF (not exposed to weather)
3,500 PSF (exposed to weather)
- REINFORCING STEEL: 40,000 PSI
- STRUCTURAL STEEL: 36,000 PSI
- STRUCTURAL LUMBER: 1,000 PSI (Fb)
1,000,000 (E)
- FLOOR LOAD: 40 PSF
- SNOW LOAD: 50 PSF
- WIND LOAD: 90 MPH, Exposure "A"

Preliminary Design - NOT FOR CONSTRUCTION



Tom & Liana Allison
111 Wall Street Douglas, MI



Title Sheet

Scale: January 10, 2024

Construction Documents - Permit Set :

Revisions :

T1

© GEN 1 Architectural Group
Tom & Liana Allison
Project Number: 22304

Project Information

- Governing Codes:
- Michigan Residential Code 2015; Incorporating the 2015 International Residential Code
 - Michigan Plumbing Code 2015
 - Michigan Mechanical Code 2015
 - Michigan Electrical Code 2017
 - ICC/ANSI A117.1-2013

Code of Ordinances: City of Douglas, MI

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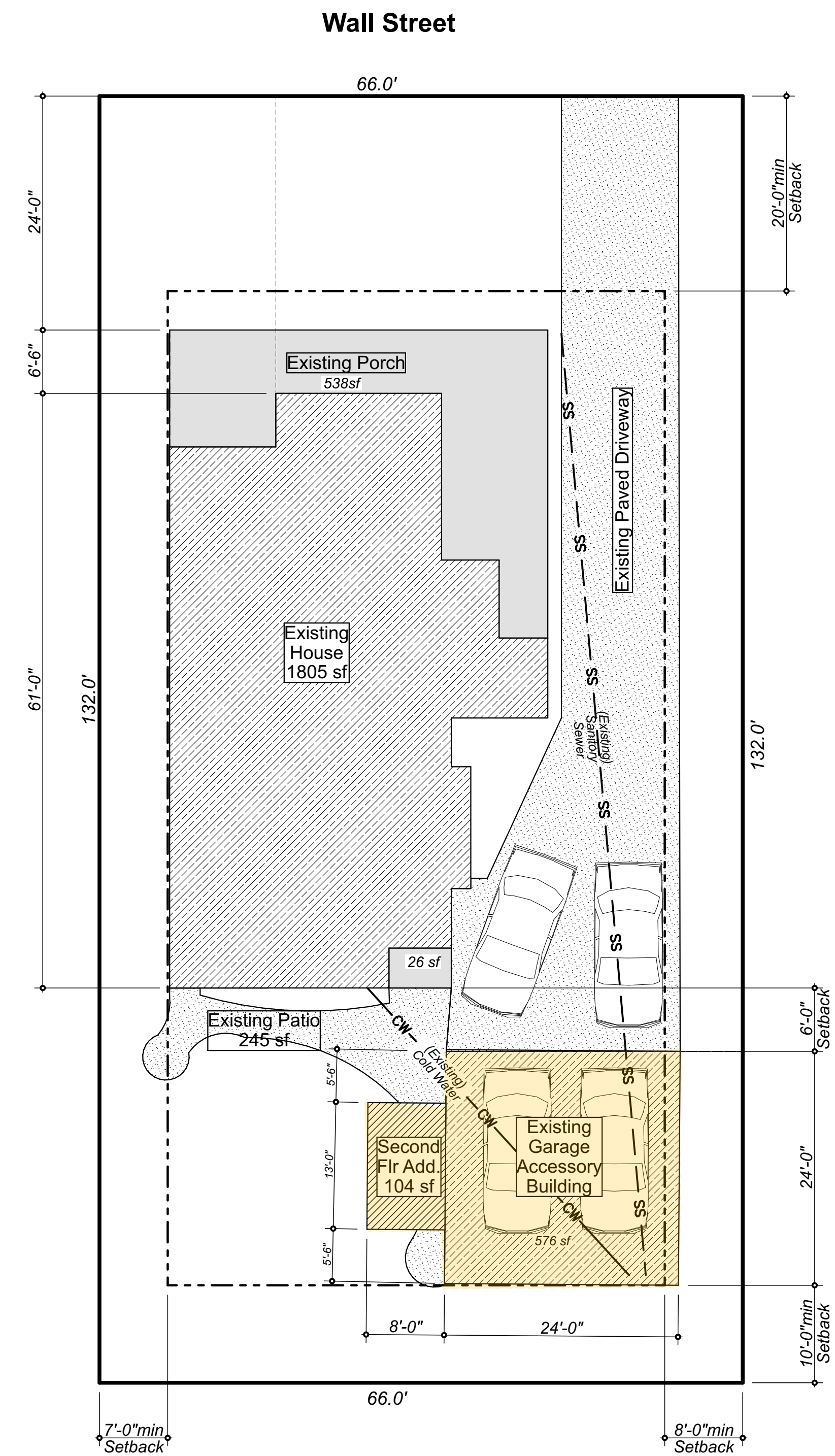
Zoning: R -3 Neighborhood Conservation District

SITE ADDRESS: 111 Wall Street Douglas, MI

Building Construction Type: 5B

Structural Design Notes

- SOIL BEARING: 1,500 - 2,000 PSF
- CONCRETE: 2,500 PSF (not exposed to weather)
3,500 PSF (exposed to weather)
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Site Plan
Scale: 1" = 10'-0"

Lot Coverage Calculations			
	Area	Percente of total lot	Limit
Lot Area	8712	100.0%	NA
Existing House / Garage / Porches	2945	33.8%	35%
Proposed Second Floor	104		
Total Lot Coverage	3049	35.0%	35%

Preliminary Design - NOT FOR CONSTRUCTION

9818 Perry Street, Zeeland, MI 49464 • Ph: 616.931.3871 • gen1-architectural.com

Tom & Liana Allison
111 Wall Street Douglas, MI

Site Plan

January 10, 2024

S1

Floor Plan Notes

Egress Windows:
Egress Windows Shall Meet The Following Requirements:

- The Sill Height is to be No Higher Than 44" Above Floor.
- The Minimum Net Clear Opening Shall Be 5.7 Sq.Ft. (5.0 Sq.Ft. for Grade Floor Window).
- Net Clear Opening Height 24" Minimum.
- Net Clear Opening Width 20" Minimum.

Every sleeping room shall have at least one functioning emergency escape and rescue opening, including a sleeping room in a basement. Emergency escape and rescue openings are not required in basement areas that are not sleeping rooms. Emergency escape and rescue openings shall have a sill height of no more than 44 inches (1118 mm) above a permanent interior standing surface. If a door opening, to be used as an emergency escape and rescue opening, has a threshold that is below the adjacent ground elevation and is provided with a bulkhead enclosure. The net clear opening dimensions required in this Section apply to the emergency escape and rescue openings, operated normally from the inside. Emergency escape and rescue openings, which have a finished sill height lower than the adjacent ground elevation, must have a window well.

Smoke detectors shall be installed on each level, in each sleeping room, and outside each separate sleeping area in the immediate vicinity of the bedrooms; Smoke detectors shall be hard wired, interconnected with battery backup, smoke detectors shall be listed in accordance with UL217. Carbon monoxide alarms shall be installed outside each sleeping area in the immediate vicinity.

Power Source: In new construction, where more than one detector is required to be installed, the detectors shall be wired in such a manner that the actuation of one alarm will actuate all of the alarms. Smoke detectors shall be installed and tested in accordance with NFPA 72. Power supply shall be ac/w/ battery backup.

All Bathrooms to Have Vent-Fan & All Mechanical Rooms to Have Combustion Air.

Top Plate: Wood stud walls shall be capped with a double top plate installed to provide overlapping at corners and intersections with bearing partitions. End joints in top plates shall be offset at least 24". Plates shall be nominal 2" depth and have a width at least equal to the studs.

MAX. STUD SPACING
2 x 4 @ 24" OC Supporting Roof and Ceiling Only
2 x 4 @ 16" OC Supporting One Floor, Roof and Ceiling
2 x 4 @ 16" OC Supporting Two Floors, Roof and Ceiling

Weather-Resistive Sheathing Paper: A minimum of one layer no. 15 asphalt felt complying with ASTM D226, for type 1 felt or other approved weather-resistive materials shall be applied over all exterior walls. Such felt or material shall be applied horizontally, with the upper layer lapped not less than 2". Where joints occur, felt shall be lapped not less than 6". Building paper or other approved material shall be continuous up to the underside of the rafter or truss top chord and terminated at penetrations and building appendages in such a manner to meet the requirements of the exterior wall envelope.

Flashing: Approved corrosion resistant flashing shall be provided in the exterior wall envelope in such a manner to prevent entry of water into the wall cavity or penetration of water to the building structural framing components. The flashing shall extend to the surface of the exterior wall finish and shall be installed to prevent water from reentering the exterior wall envelope, flashing shall extend to, or beyond, the finished exterior face of the wall. Approved corrosion-resistive flashing shall be installed at all of the following locations:

- At the top of all exterior window and door openings in such a manner as to be leakproof, except that self-flashing windows having a continuous lap of not less than 1 1/8" over the sheathing material around the perimeter of the opening, including corners, do not require additional flashing; jamb flashing may also be omitted when specifically approved by the building official.
- At the intersection of chimneys or other masonry construction with frame or stucco walls, with projecting lips on both sides under stucco copings.
- Under and at the ends of masonry, wood, or metal copings and sills.
- Continuously above all projecting wood trim.
- Where exterior porches, decks, or stairs attach to a wall or floor assembly of wood-frame construction.

The garage shall be separated from the residence and its attic area by not less than 5/8 inch (15.9 mm) type x gypsum board or equivalent applied to the garage side.

FRAMING LUMBER:
2x4 - 8' thru 16'; #2 & better SPF, also premium SPF
2x6 - 8' thru 20'; #2 & better SPF
2x8 - 8' thru 20'; #2 & better SPF
2x10 - 8' thru 20'; Hem Fir Select Structural
2x12 - 8' thru 20'; Hem Fir Select Structural
2x4-92-5/8" and 104-5/8"; solid SPF precut studs
2x6-92-5/8" and 104-5/8"; solid SPF precut studs

All lumber shall be identified by the grade mark of, or certificate of inspection issued by, an approved lumber grading or inspection bureau or agency. All lumber shall be a naturally durable species (such as Redwood or Western Cedars) or be pressure-treated with an approved process and preservative in accordance with American Wood Protection Association standards. All lumber in contact with the ground shall be approved preservative treated wood suitable for ground contact. All nails shall meet the requirements of ASTM F 1667. Threaded nails include helical (spiral) and annular (ring-shank) nails. Wood screws shall meet the requirements of ANSI/ASME B18.6.1. Bolts and lag screws shall meet the requirements of ANSI/ASME B18.2.1. Edge distance and spacing requirements are based on 1/2" diameter fasteners. If larger (or smaller) fasteners are specified, edge distance and spacing needs to be adjusted.

To resist corrosion, the following is required:
- All screws, bolts, and nails for use with preservative treated wood shall be hot-dipped zinc-coated galvanized steel, stainless steel, silicon bronze, or copper. Fasteners to be hot-dipped galvanized shall meet the requirements of ASTM A 153, Standard Specification for Zinc Coating (Hot-Dip) on Iron and Steel Hardware, Class D for fasteners 3/8" diameter and smaller or Class C for fasteners with diameters over 3/8".
- Flashing shall be corrosion-resistant metal of minimum nominal 0.019-inch thickness or approved non-metallic material. Aluminum should not be used in direct contact with lumber treated with preservatives that contain copper such as ACQ, Copper Azole, or ACZA.

Decks shall not be used or occupied until final inspection and approval is obtained.

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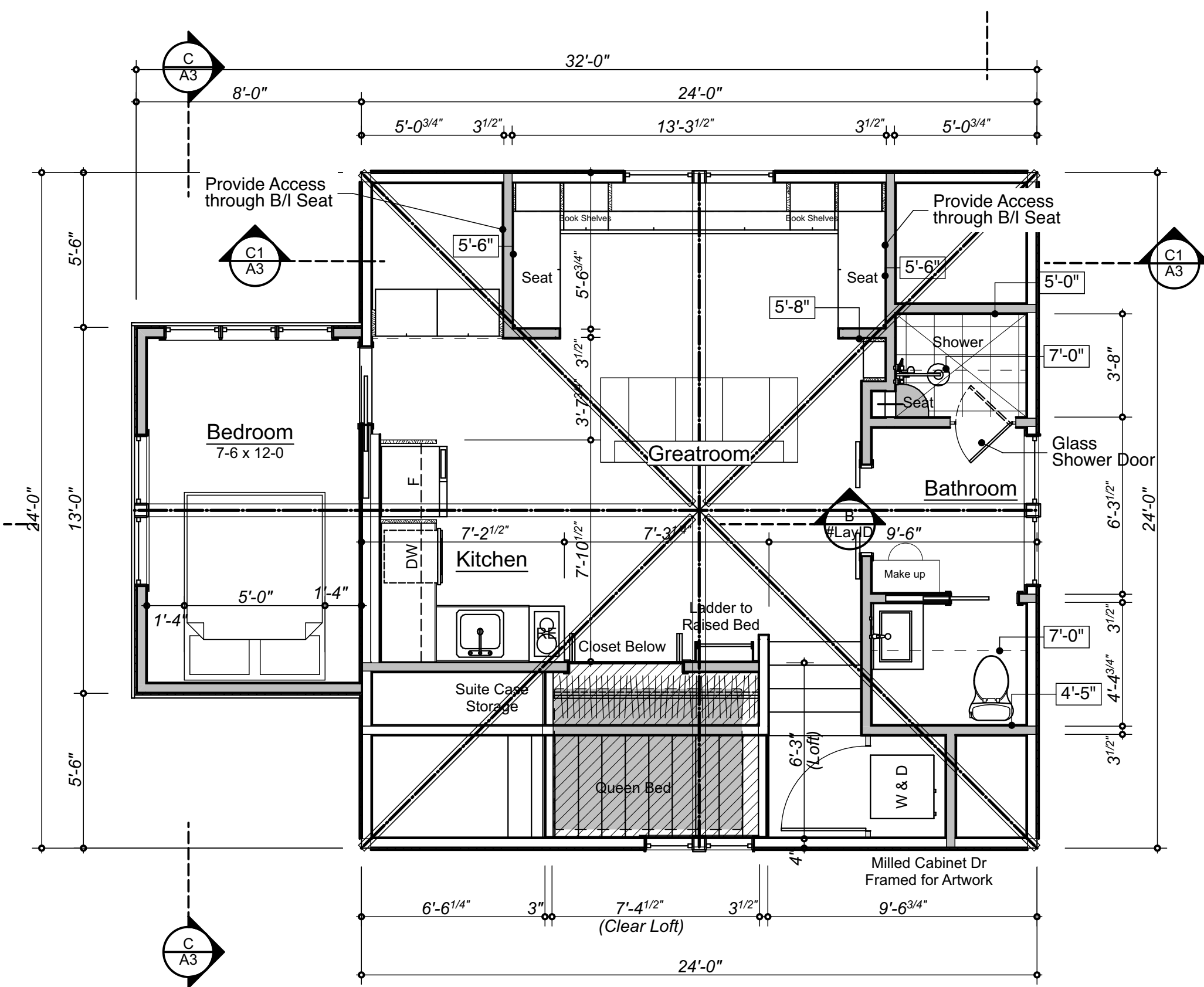
Tom & Liana Allison
111 Wall Street Douglas, MI

Floor Plans

January 10, 2024

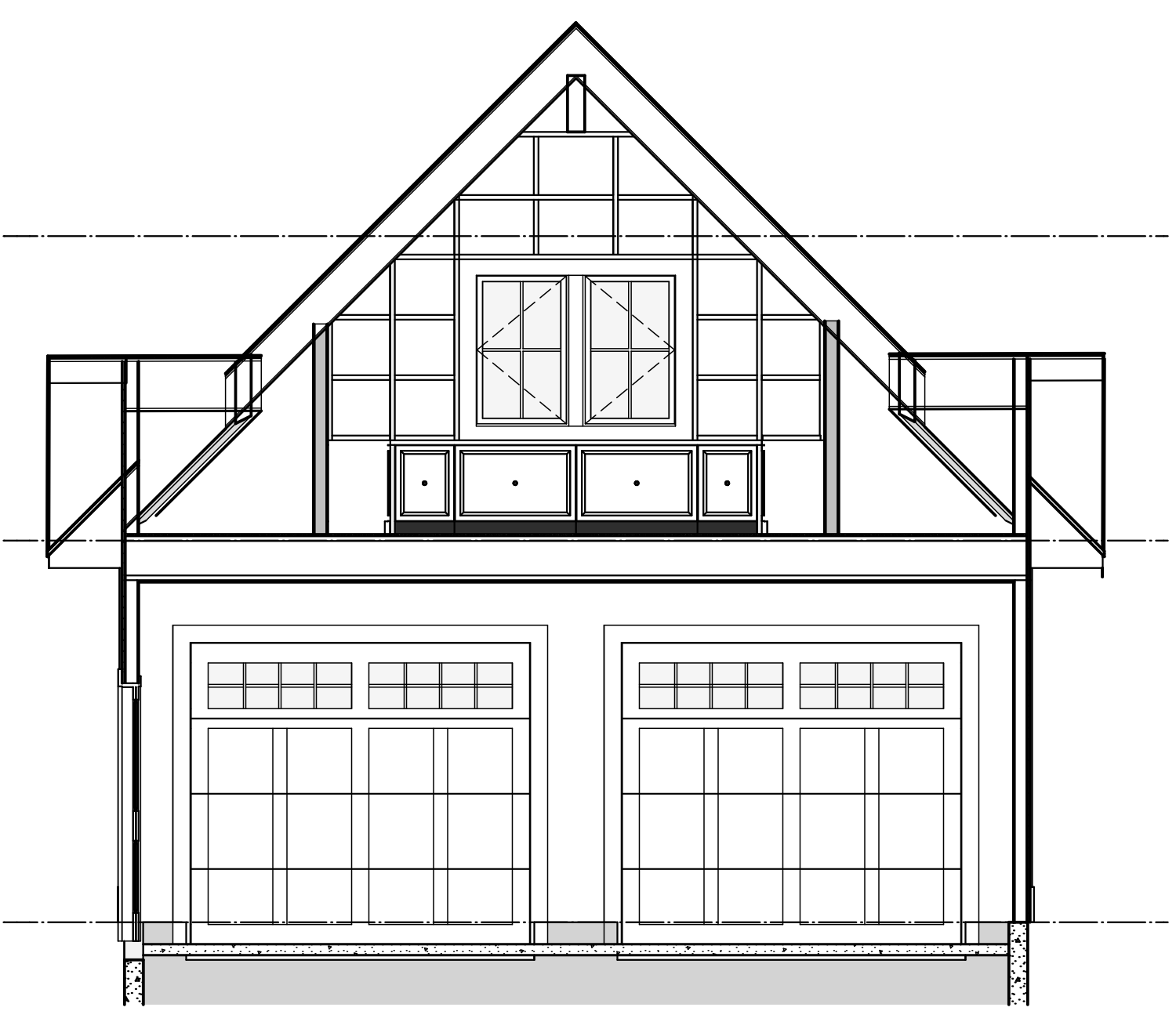
A3

Preliminary Design - NOT FOR CONSTRUCTION



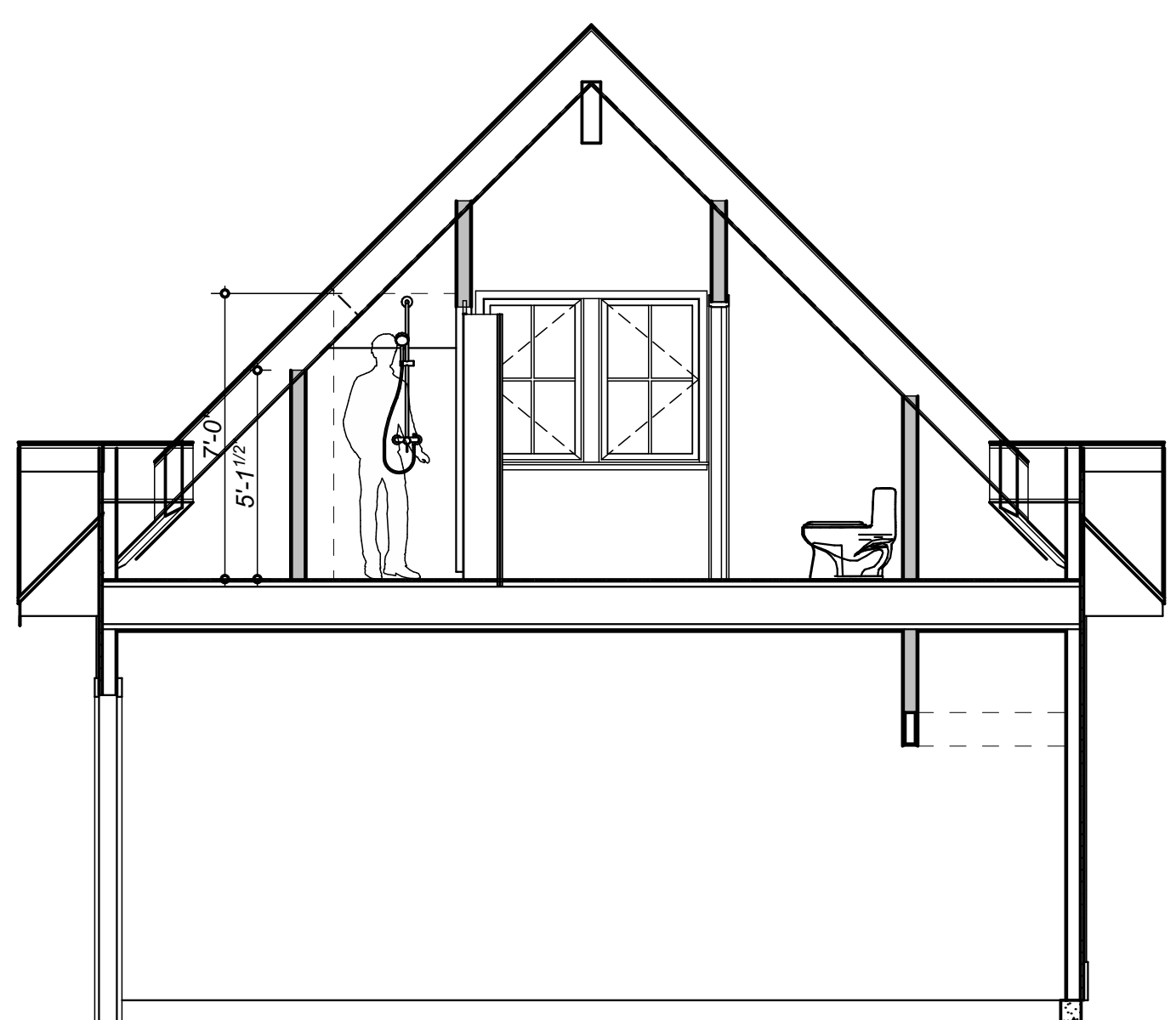
Upper Level Floor Plan

SCALE: 1/4" = 1'-0"



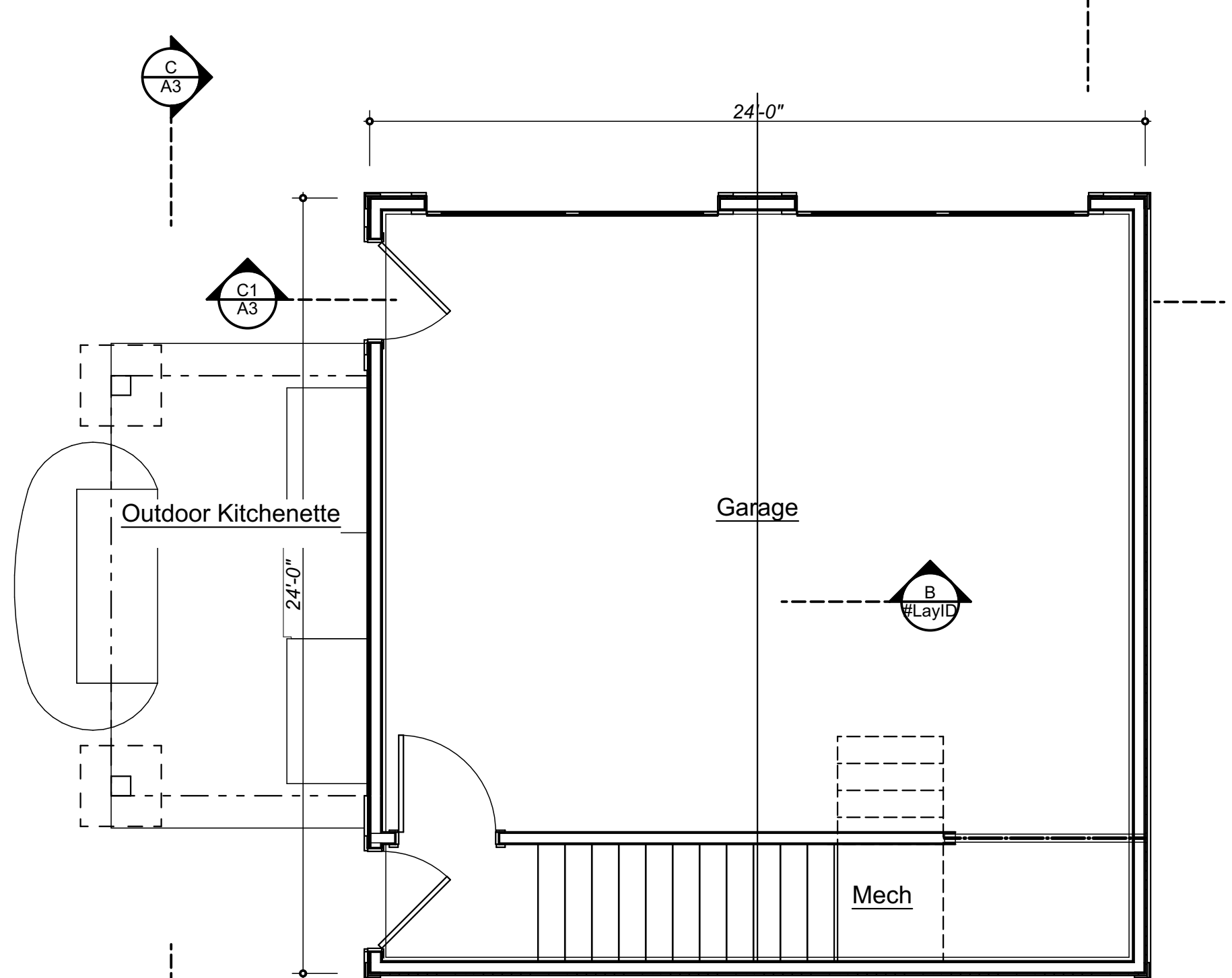
Great Room

SCALE: 1/4" = 1'-0"



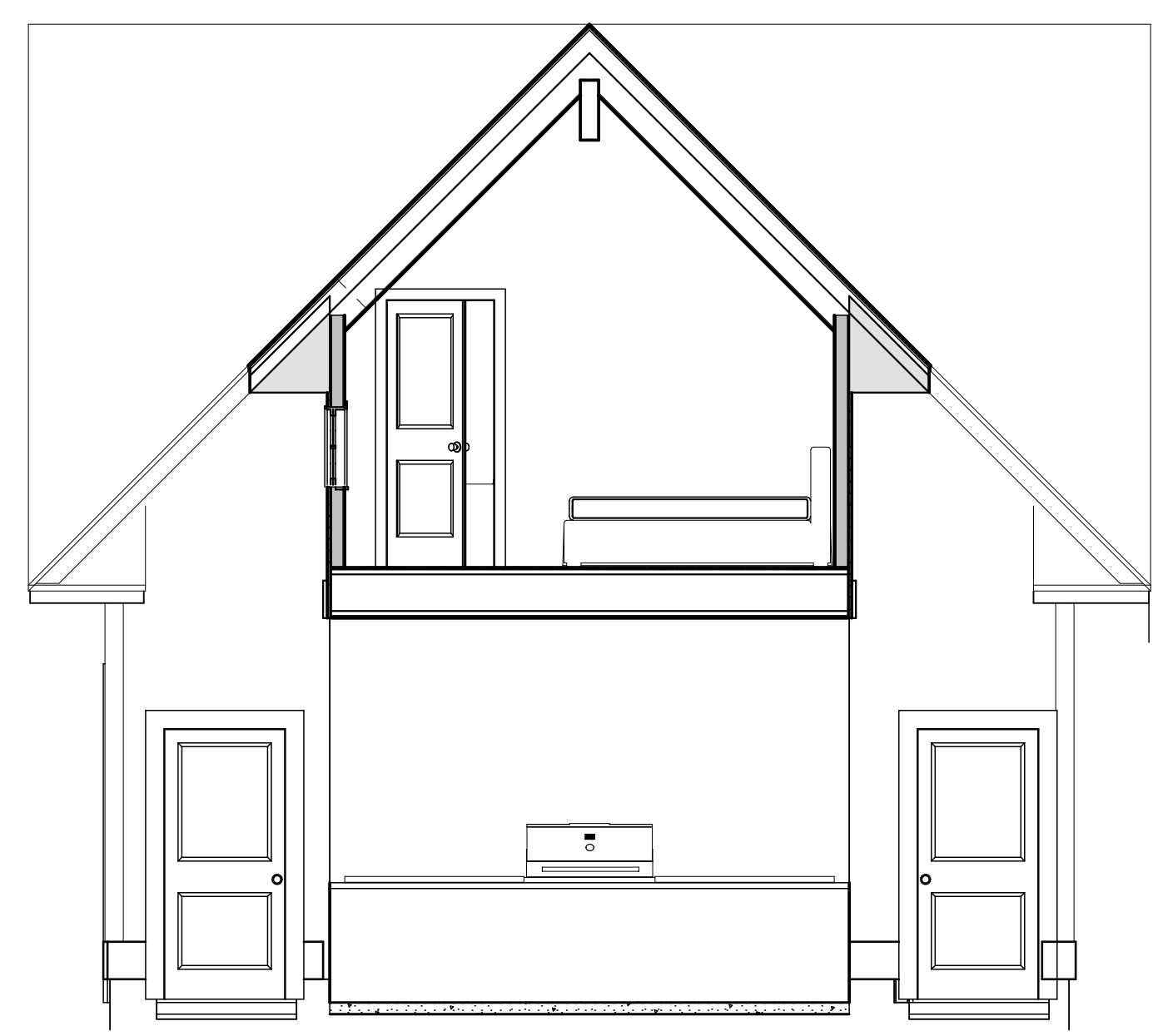
Bathroom - Shower

SCALE: 1/4" = 1'-0"



Main Level Floor Plan

SCALE: 1/4" = 1'-0"



Bedroom

SCALE: 1/4" = 1'-0"

Project Number: 23-06 Tom & Liana Allison



North Elevation

SCALE: 1/4" = 1'-0"



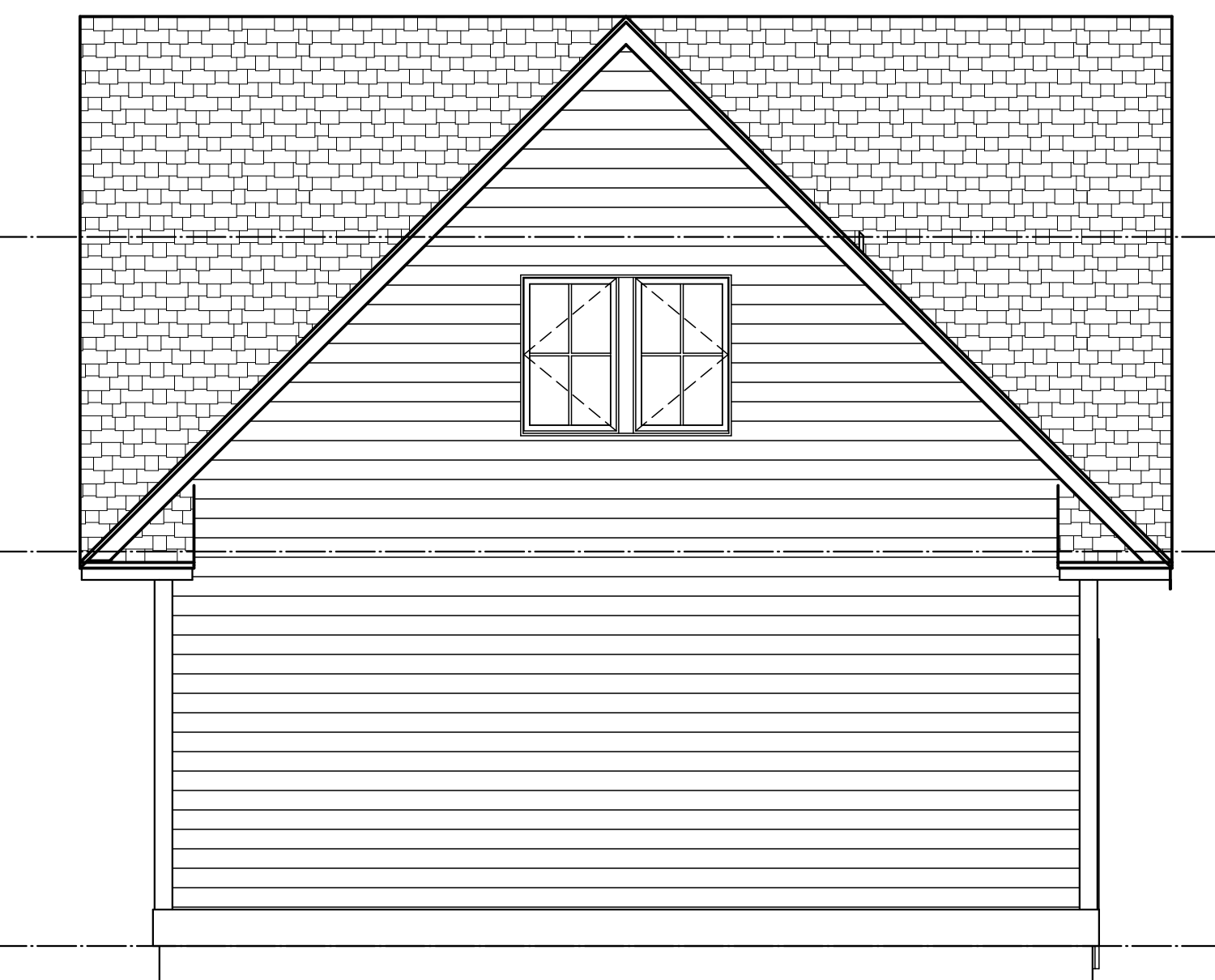
West Elevation

SCALE: 1/4" = 1'-0"



South Elevation

SCALE: 1/4" = 1'-0"



East Elevation

SCALE: 1/4" = 1'-0"

Elevation Notes

Weather-Resistive Sheathing Paper: A minimum of one layer no. 15 asphalt felt complying with ASTM D226, for type 1 felt or other approved weather-resistant materials shall be applied over all exterior walls. Such felt or material shall be applied horizontally, with the upper layer lapped not less than 2". Where joints occur, felt shall be lapped not less than 6". Building paper or other approved material shall be continuous up to the underside of the rafter or truss top chord and terminated at penetrations and building appendages in such a manner to meet the requirements of the exterior wall envelope.

Flashing: Approved corrosion resistant flashing shall be provided in the exterior wall envelope in such a manner to prevent entry of water into the wall cavity or penetration of water to the building structural framing components. The flashing shall extend to the surface of the exterior wall finish and shall be installed to prevent water from reentering the exterior wall envelope. Flashing shall extend to, or beyond, the finished exterior face of the wall. Approved corrosion-resistant flashing shall be installed at all of the following locations:

- At the top of all exterior window and door openings in such a manner as to be leakproof, except that self-flashing windows having a continuous lap of not less than 1 1/8" over the sheathing material around the perimeter of the opening, including corners, do not require additional flashing; jamb flashing may also be omitted when specifically approved by the building official.
- At the intersection of chimneys or other masonry construction with frame or stucco walls, with projecting lips on both sides under stucco copings.
- Under and at the ends of masonry, wood, or metal copings and sills.
- Continuously above all projecting wood trim.
- Where exterior porches, decks, or stairs attach to a wall or floor assembly of wood-frame construction.
- At wall and roof intersections.

Exterior Deck Notes

Where supported by attachment to an exterior wall, decks shall be positively anchored to the primary structure and designed for both vertical and lateral loads as applicable. Such attachment shall not be accomplished by the use of toenails or nails subject to withdrawal.

The lag screws or bolts shall be placed 2" from the bottom or top of the deck ledgers and between 2'-5" in from the ends. The lag screws or bolts shall be staggered from the top to the bottom along the horizontal run of the deck ledger. IRC 2009 Section R502.2.2.1.1

Deck ledger connections not conforming to Table R502.2.2.1 shall be designed in accordance with accepted engineering practice. Girders supporting deck joists shall not be supported on deck ledgers or band joists. Deck ledgers shall not be supported on stone or masonry veneer. IRC 2009, Section R502.2.2.2.

Footings shall be designed so that the allowable bearing capacity of the soil is not exceeded. The minimum width of footings shall be 12 inches.

Load resistance: Columns shall be restrained to prevent lateral displacement at the bottom end. Wood columns shall not be less in nominal size than 4" x 4". Column and post-end connections shall be fastened to resist lateral and net induced uplift forces.

Wood columns shall be of an approved wood with natural decay resistance or approved preservative-treated wood. Exception: Columns exposed to the weather that are supported by a metal pedestal projecting 1" above the concrete and 6" above exposed earth.

Where posts and beam or girder construction is used to support floor framing, positive connections shall be provided to ensure against uplift and lateral displacement.

Guards shall be located along many surfaces more than 30" above the floor or grade below including porches, balconies, raised floor areas, stairways, landings and open-sided walking surfaces.

Height: Guards shall be a minimum of 36" tall (IRC).

Load resistance: Handrail assemblies and guards shall be able to resist a single concentrated load of 200 pounds, applied in any direction at any point along the top.

Staircases must be able to resist 40 pounds per square foot of tread area.

Handrail Notes

Handrails shall be provided on not less than one side of each continuous run of treads or flight with four or more risers.

Handrail height, measured vertically from the sloped plane adjoining the tread nosing, or finish surface of ramp slope, shall be not less than 34 inches (864mm) and not more than 38 inches.

Handrails for stairways shall be continuous for the full length of the flight, from a point directly above the top riser of the flight to a point directly above the lowest riser of the flight. Handrail ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than 1 1/2 inches between the wall and the handrails.

- Exceptions:
- 1) Handrails shall be permitted to be interrupted by a newel post at the turn.
 - 2) The use of a volute, turnout, starting easing or starting newel shall be allowed over the lowest tread.

Handrail grip size. All required handrails shall be of one of the following types or provide equivalent grasp-ability

- 1) Type I. Handrails with a circular cross section shall have an outside diameter of at least 1 1/4 inches and not greater than 2 inches. If the handrail is not circular it shall have a perimeter dimension of at least 4 inches and not greater than 6 1/4 inches with a maximum cross section of dimension of 2 1/4 inches.
- 2) Type II. Handrails with a perimeter greater than 6 1/4 inches shall provide a graspable finger recess area on both sides of the profile. The finger recess shall begin within a distance of 3/4 inch measured vertically from the tallest portion of the profile and achieve a depth of at least 5/16 inch within 7/8 inch below the widest portion of the profile. This required depth shall continue for at least 3/8 inch to a level that is not less than 1 3/4 inches below the tallest portion of the profile. The minimum width of the handrail above the recess shall be 1 1/4 inches to a maximum of 2 3/4 inches. (Sharp edges shall be rounded over)

Preliminary Design - NOT FOR CONSTRUCTION


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Exterior Elevations

Project Number: 23-06 Tom & Liana Allison