

**Meeting Announcement and Agenda  
Mt. Pleasant Zoning Board of Appeals**

**Wednesday, September 28, 2016 - 7:00 p.m.  
City Hall Commission Chamber**

- I.** Roll Call: Assmann, Berkshire, Fokens, Friedrich, Orlik, Raisanen, White.
- II.** Welcome new Board member:
- III.** Approval of Agenda:
- IV.** Approval of Minutes:
  - A.** August 24, 2016
- V.** Communications:
- VI.** Public Comments:
- VII.** Public Hearings:
  - A.** ZBA-04-2016 - 1016 E. Pickard. Applicant is requesting a variance from Section 154.120 (Off Street Parking).
- VIII.** Old Business:

None
- IX.** New Business:
  - A.** Failed Motions
  - B.** Michigan Planner - Reviewing ZBA Petitions
  - C.** October ZBA meeting - Anticipated Agenda Items
- X.** Adjournment:

All interested persons may attend and participate. Persons with disabilities needing assistance to participate may call the Personnel Office at 779-5314. A 48-hour advance notice is necessary for accommodation.

Mt. Pleasant Zoning Board of Appeals  
Minutes of Regular Meeting  
August 24, 2016

Chairman Fokens called the meeting to order at 7 p.m.

**I. Roll Call:** Staff called roll.

Members Present: Berkshire, Fokens, Friedrich, Orlik, Raisanen, White.

Members Absent: Assmann.

Staff: Kench, Murphy.

**II. Approval of Agenda:**

Motion by Berkshire, support by Orlik, to approve the agenda.

Motion approved unanimously.

**III. Approval of Minutes: February 24, 2016**

Motion by Raisanen, support by Friedrich, to approve the minutes from the February 24, 2016 meeting.

Motion approved unanimously.

**IV. Communications:**

Staff reported that there were no communications to share at this time.

**V. Public Comments:**

Chairman Fokens opened the floor for public comments.

There being no one who wished to address the Board, the Public Comments session was closed.

**VI. Public Hearings:**

Chairman Fokens explained board proceedings, noting that a quorum was present.

**A. ZBA-02-2016 -1005 & 1007 S. University**

Kench introduced Case ZBA-02-2016, filed by Joe Olivieri on behalf of United Apartments, seeking a finding under section 154.054 C-2, to allow the construction of two new rooming dwellings. As part of the redevelopment, the applicant is requesting consideration to increase the permitted occupancy from 6 to 8 for each site.

Kench noted that the Board would be referring to the M-2 Redevelopment updates that went into effect last October, as well as the Redevelopment guidelines endorsed by both the Planning Commission and ZBA during their review of this case.

Kench noted the request involves the razing of four buildings on one zoning lot, splitting the lot into the original two separate zoning lots and constructing a two-unit building on each lot. The applicant is requesting a total of 8 occupants; 4 per unit, for each site. Kench reported that the property is zoned M-2 Multiple Family Residential and is surrounded by M-2 property. The surrounding uses are all Rooming Dwellings.

Kench reviewed the new ordinance language under 154.054 C-2, noting that the request meets all the requirements A-F, and the ZBA would be looking at section g when determining this case:

*(g) The Zoning Board of Appeals shall have the authority to modify ordinance requirements to permit the development of a nonconforming lot, or redevelopment of a nonconforming use or building. In granting approval for the project the Zoning Board of Appeals may do the following:*

- 1. Reduce dimensional zoning requirements such as setback and lot coverage and development requirements such as minimum parking space requirements and permit additional dwelling units provided the overall occupancy complies with division (A)(2)(g)2.*
- 2. Permit up to two additional occupants over the maximum permitted by land area. Occupant limits per unit shall still apply.*

Kench also shared the parcel requirements for the M-2 zoning district, noting that all requirements for size and setbacks would be met with this proposal.

Kench noted that if approved, the applicant would be required to go to the Planning Commission for Special Use Permit and Site Plan Review.

Kench shared the site plan and photos of the existing conditions, noting that there are currently four separate units on one parcel, which was combined several years ago, and which created non-conforming setback issues. The proposed redevelopment would correct the setbacks and parking issues. In addition, by splitting the property back to the original size, the parcel sizes will be more in line with the surrounding properties and the proposed buildings will have a smaller footprint.

Kench shared the proposed site plan, noting that this property first came to staff in March, and consisted of one long unit, which didn't fit the character of the neighborhood. Staff worked extensively with the applicant to reduce the footprint of the building, consolidate the parking and provide landscaping. In addition, staff worked with the applicant to get different design elements on each of the units with varying roof lines (1005 will have a hip roof and 1007 a gable roof), window treatments, trim boards, etc., pulling style features from some of the more distinctive homes in the surrounding area.

Kench explained that the new ordinance allows up to five spaces of stacked parking, which reduces the amount of impervious surface. The applicant has also agreed to include underground storm water storage, and will also be using a higher grade of

building materials on the facade. The applicant has designed the units to have the appearance of a single family home from the street with the placement of the doors.

Kench reviewed the non-conformities that would be eliminated with this redevelopment:

- Rear dwelling units will be razed.
- Rear setbacks will be brought into compliance
- Side setbacks will be brought into compliance

In addition, the parking will all be out of the front yards and accessed off the alley, allowing the front yards to be landscaped and provide additional green space.

Kench noted that the M-2 Redevelopment procedures allows for up to two additional occupants, based on land area, for projects that are considered distinctive. Kench reiterated the Board should consider the use of upgraded building materials, architectural details, increases in the open landscaping areas, underground storm water storage, curb and gutter placement to define parking area, elimination of the rear dwelling units, removal of parking from the front and bringing the setbacks into compliance.

Kench suggested the board take the time during their deliberation to go through each piece of the M-2 zoning standards and ordinance requirements.

Vice-Chair Berkshire asked if there was only one entrance to each apartment and if all the parking was stacked. Kench indicated that there was a front and back entrance, which maintains the appearance of a single family home. Kench also noted that the parking would all be stacked, and further noted that the old ordinance required the large parking lots, whereas the updated language allows for the stacked parking, reducing the amount of impervious surface.

Vice-Chair Berkshire asked if the entrance for the parking would be off the alley. Kench stated it would be, and reiterated that the applicant has agreed to install full curb and gutters as well to prevent and/or restrict yard parking.

Vice-Chair Berkshire referred to the letter received regarding a concern over increased alley traffic. Kench commented that we had received a letter from someone leasing a home in the area, who expressed that concern; however, he noted that the alley is designed for the traffic.

Commissioner Orlik asked for clarification on the requested occupancy, as the combined site is currently licensed for 13. Kench explained that the procedures requires the baseline occupancy to be determined based on the land area of 1:900. Once the site becomes two, the applicant would be allowed 6 occupants per site based on the available land area. They are asking for two additional occupants (8) per site.

Commissioner Orlik referred to the request to split the parcel, noting that this could possibly be looked at as two cases. Kench commented that staff debated this as well; however, because the lot is currently one parcel, it is being considered as one case. Kench also noted that if the property remained as one parcel, the ordinance would allow a large building, which staff believes is out of character for the neighborhood.

Commissioner Raisanen commented that if the goal is to look like a single family home, why would they be modeled after rooming dwellings. Kench explained that at one time, the surrounding rooming dwellings were all single family homes. Commissioner Raisanen commented that she feels there is a significant difference in the look of the single family homes vs. the student rentals, noting the lack of windows on the back of the homes as one of the differences, which she feels is significant.

Kench reviewed the new standards and guidelines with the Board, which call out details, noting that this project goes beyond what any of the previous redevelopments have done and further commented that the applicant may be willing to add windows if that is the only issue.

Joe Olivieri, 1933 Churchill, addressed the Board, offering to answer questions.

Vice-Chair Berkshire asked about the layout of the home. Mr. Olivieri commented that they are side by side units, with the living area on the main floor, two bedrooms upstairs, and two in the basement. Each unit will have two means of egress. He noted that the kitchens are towards the back; and there are fewer windows to allow for cabinets. He noted that he may be able to reconfigure the layout to include another window if the board requires him to. He noted there are two windows in each bedroom, and further commented that with many of the newer homes he is building, the owners prefer less windows as a matter of privacy.

Commissioner Orlik asked why they were asking for 16 occupants rather than 14. Mr. Olivieri responded that the cost of using the upgraded materials is significant and provided some cost comparisons. Commissioner Orlik acknowledged that the Board basically needs to choose whether they prefer a more institutional look or want the upgrades with the additional occupants.

Mr. Olivieri commented that they want these homes to have a "wow" factor, something they are proud of.

Vice-Chair Berkshire commented that code enforcement reports have been provided for the Board; however, asked about police reports.

Kench noted that there were no reports of calls for this property. Kench also noted that United Apartments has indicated on past cases that they hire additional security for the big weekends.

Vice-Chair Berkshire asked if there were penalties in the lease for residents who violate.

Rick McGuirk, owner, responded that they charge residents \$300 per person for violations of the nuisance ordinance. In addition, they include damage assessments and noted that they aren't going to put this kind of investment into a property and then sit back and watch it be destroyed.

Mr. Olivieri reiterated there is a strict policy that if something is destroyed, they require it be replaced, noting a lot of time and effort goes into these redevelopments and they take pride in maintaining them.

Commissioner Orlik commented that in 2005 the Planning Commission was asked to join these properties and questioned when they decided it was better to separate them.

Mr. Olivieri responded that the property was under different ownership at that time.

Chairman Fokens opened the public hearing.

Michael Lents, 502 S. University, addressed the Board, noting he was opposed to the increase in occupancy. Mr. Lents cited the three criteria in the Redevelopment procedures: Elimination of non-conformities; demonstrated track record for property maintenance; and the use of durable materials. Mr. Lents commented that he doesn't feel like the maintenance criteria has been met. Mr. Lents further indicated that he has called the police at least once for parties in this vicinity.

There being no one else who wished to speak, the public hearing was closed.

Correspondence:

Kench shared the correspondence received from the Department of Public Works and Department of Public Safety.

Board Discussion:

Vice-Chair Berkshire commented that this is the first request we have had under the new ordinance and feels the Board needs to carefully consider this request. Chairman Fokens agreed, commenting that the Board needs to go through the findings of fact and consider each criteria, and base their decision on their findings. Chairman Fokens commented that staff did an outstanding job of providing the information.

Vice-Chair Berkshire commented that the project is very nice; however, his concern is with more density and stated he feels we really need to get the police report for the property. Kench commented that the information he received came from the Director of Public Safety, through the City Manager and again, there were no issues related to DPS for the property.

Commissioner Raisanen commented that the lack of police reports is likely due to the fact that this property is in a neighborhood where every other neighbor is a student rental.

Vice-Chair Berkshire commented that he is satisfied with staff's response but feels that these reports should be made available to the Board for these cases.

It was asked if these units provided more or less building area per occupant. Mr. Olivieri responded that these units are much bigger, with four bedrooms per unit. He further

reminded the Board that there are currently four buildings on one lot, with the back units being quite small. Kench noted that the ordinance allows the Board to reduce land area, but not building area, noting that the buildings are of sufficient size to meet ordinance requirements.

Kench reviewed each of the criteria and asked the Board to consider whether, based on the proposal, does the project meet the requirements or are there changes that need to be made in the project to grant the request.

*154.054 (C2)h1: The redevelopment markedly decreases the number and extent of nonconformities. Reductions to nonconformities can include improving setbacks, increasing parking and complying with pavement and location requirements, and increase in building area per occupant.*

It was noted that the project will eliminate the rear dwelling units, will bring the setbacks into compliance and in addition, the applicant will be adding underground storage for storm water and will add curbs and gutters.

Board consensus was the project meets this criteria.

*154.0564 (C2)h2 and M-2 Review: The redevelopment improves the building and aesthetics and maintains the appearance of a single family dwelling, taking into consideration the shape, location and architectural details of homes in the neighborhood.*

- *Historic architectural style, including the use of details customarily expected with that style throughout the building design*
- *Building massing and composition*
- *Roof pitch*
- *Architectural details, including bracketing; moldings; window and door surrounds; column details; the proportion and reveal of shingles, shakes, and clapboards, including decorative shingles; etc.*
- *Window placement and proportion*
- *The extent of the use of durable building materials, including brick and other masonry.*
- *When shingles, shakes, and/or clapboards are used, the extent of the use of hardwood, fiber cement, and other similar products*
- *Utilization of unique architectural elements such as turrets, box or bay windows, etc.*

Kench provided a review of the upgraded materials being used by the developer, along with the added architectural details. Board consensus was the project meets this criteria.

*154.054(C2)h3: The redevelopment improves the site aesthetics including such elements as foundation planting, site landscaping and decorative fencing as well as the preservation of existing, healthy and non-invasive trees..*

Discussion ensued on the number of trees that would be removed. Staff noted that there were very few trees on the site right now and reviewed the proposed landscaping plan. It was noted that this project will add significantly more green space, will have irrigation,

and in addition, an additional street tree will be added. Board consensus was the project meets this criteria.

*154.054(C2)h4: The redevelopment improves the site's layout and function of the property with regard to issues including trash disposal and the elimination of front yard parking.*

Landscaping will replace the front parking area. All parking will be in the back and off the alley and will have complete curb and gutters. In addition, there will be a designated area for the trash carts. Board consensus was the project meets this criteria.

*M-2 Review:*

*Proposal indicates sufficient use of durable/distinct materials. Board consensus was the project meets this criteria.*

*Applicant demonstrated ability to provide long term maintenance; and, Applicant demonstrated ability to address code related issues.*

Discussion took place with one Board member, Commissioner Raisanen, commenting that she is hesitant on this point and wishes the existing property had been better maintained, noting that she doesn't see the love and care of the current structures, but is hopeful that the new property will be better maintained. No one else voiced any concerns. Kench referred to another recent redevelopment owned by the applicant, noting it is very well maintained. Board consensus was the project meets this criteria.

Motion by Orlik, support by Berkshire, to approve case number ZBA 02-2016, filed by Joe Olivieri, Olivieri Homes on behalf of United Apartments, 4175 East Bluegrass Road, seeking a finding under section 154.054 C-2 to allow the construction of 2 new two-unit rooming dwellings on 1005 and 1007 South University Street.

While the approval is a marked increase in the occupancy on each of the two sites, the Board finds that the redevelopment will markedly decrease the number of nonconformities on the site that includes the elimination of rear dwelling units that encroach into the side and rear setbacks, bringing the primary structures into compliance with the rear and side yard setback district requirements. Parking will be removed from the front yards and relocated to the rear of the property. The Board further finds that the design of the homes incorporates the use of durable materials and architectural detailing to make this project distinctive in nature to others found in the neighborhood to grant the request to increase occupancy from 6 to 8 based on the available land area on each lot.

All siding and trim materials (window trim, fascia, soffit, belly board, water table, etc.) used on this project shall be *hardiboard* or equal as approved by staff. Masonry materials shall be provided on the exposed foundation and porch features as shown on the approved plan.

The approval is subject to compliance with the site plan, building elevations presented to the board, and the owner/applicant maintaining stringent lease standards to ensure compliance with all City standards related to trash, litter, nuisance parties, etc.

Motion approved unanimously.

Commissioner Raisanen commented that she would like to encourage more of this type of building so that is why she ultimately approved the project.

Commissioner Orlik commented that the upgrade in building materials was a crucial part of his approval.

Commissioner Raisanen called for a two minute recess.

Chairman Fokens called a two minute recess.

Meeting reconvened.

**B. ZBA-03-2016 - 610 & 610 1/2 N. Arnold**

Kench introduced case ZBA-03-2016 submitted by Sam Cascarelli, requesting a variance from Section 154.010 of the Zoning Ordinance to reinstate the use of a rear dwelling unit.

Kench noted that the property was zoned R-3 Residential, with R-3 zoning to the north, south and west, and C-3 Commercial to the east.

Kench noted that the unique feature of this property is that it has a rear dwelling unit, which was allowed up until 1984. After that time, the use became a legal non-conforming use. Kench noted that the properties on each side of this property also have rear dwelling units that are in the housing licensing program. Kench noted that this particular property has no record of ever having a rental license and the owner has indicated that because he lived on the same property in the front house, he did not realize that he needed a license.

Kench shared photos of the site, noting that both homes were constructed in the late 1920's. The rear home has a basement, a separate water heater, kitchen, bathroom, etc. Kench noted that the applicant has indicated that the unit has been occupied for rental purposes for more than 30 years up until recently when the tenant was arrested and the Fire Department became aware of the unlicensed status. The applicant is asking the board to find that he has a legal non-conforming use that has not been interrupted for a period of a year or more to allow him to continue the use. Kench noted that the board may also allow the use to be resumed under section 154.007B4 where it can be found that there will be a marked decrease in the degree of nonconformance, improves the character of the neighborhood and is of decided benefit to adjacent conforming uses.

Vice-Chair Berkshire asked if the back units on the adjoining properties are licensed rentals. Kench noted they were.

Commissioner Raisanen asked how long the unit has been an unlicensed rental. Kench indicated it appears that it has been this way for a long time. He noted that in this

particular neighborhood there are a number of principle buildings with rear dwelling units.

Vice-Chair Berkshire asked if the property would be inspected if licensed. Kench noted it would, and there may be upgrades that the applicant would be required to make to have it licensed.

Commissioner Raisanen asked if there was any penalty for having an unlicensed rental. Kench stated there are fines, however, the goal is to clean up the property and start the process.

Sam Cascarelli, 610 N. Arnold, addressed the board. Mr. Cascarelli indicated the property has been a rental for 50-60 years and commented that his tax assessments are quite high, which leads him to believe that is due to the back unit. Mr. Cascarelli stated he wasn't trying to get away with anything, he thought because he lived on the same property that he would not need to license the unit. Mr. Cascarelli stated the same tenant was there for 27 years, up until the time he was arrested. He noted that is when the inspector said he needed to have the property licensed.

Vice-Chair Berkshire questioned the applicant on the fact that the neighboring properties were licensed and asked if in all this time, that never came up. Mr. Cascarelli stated that he works in Alma and indicated that he rarely speaks with the neighbors. Mr. Cascarelli stated that he has another rental unit on the west side that is licensed. In response to Commissioner Raisanen's question, Mr. Cascarelli stated that he was fined \$300 for the unlicensed rental violation.

Commissioner Raisanen questioned why the applicant wouldn't have questioned the need for a license when he was aware of the rental licensing program with his other property. Mr. Cascarelli commented that he thought this property was different as it is located on the same property as his primary residence.

Commissioner Friedrich asked if the same tenant had been there for 27 years. Mr. Cascarelli stated he had. Commissioner Raisanen asked if the property was rented prior to this tenant. Mr. Cascarelli stated it had been rented continuously. He noted that he purchased the property from his cousin and there was a tenant there at that time. He indicated that if approved, he will be making some updates to the property in order to get it licensed.

Chairman Fokens opened the public hearing. There being no one who wished to speak, the public hearing was closed.

Kench shared the correspondence received from the Department of Public Works and Department of Public Safety.

Board Discussion:

Commissioner Orlik commented that there is a reason the city quit allowing these uses, and the ordinance provides language that requires a non-conforming use to go away once discontinued.

Commissioner Raisanen commented that one of the selling points for approving the last request was that it was eliminating the rear dwelling units and further commented that she feels allowing this one to be reinstated would be a double standard.

Motion by Orlik, support by Berkshire to approve case ZBA-03-2016, filed by Sam Cascarelli, seeking approval to reinstate a non-conforming dwelling unit located at 610 1/2 N. Arnold Street.

Ayes: Fokens, Friedrich, White.

Nays: Orlik, Raisanen, Berkshire.

Motion failed.

Motion by Berkshire, support by Raisanen to deny the request.

Ayes: Orlik, Raisanen, Berkshire, Fokens.

Nays: Friedrich, White.

Motion approved and the request was denied 4:2.

## **IX. Old Business:**

Kench reported there was no old business.

## **X. New Business**

- A. September ZBA Meeting: Kench noted that no applications have been received as of this time.

Vice-Chair Berkshire noted he would be out of town during the September meeting.

## **XI. Adjournment**

Motion by Raisanen, support by Orlik to adjourn.

Motion approved unanimously.

Meeting adjourned 8:42 p.m.



## Zoning Board of Appeal Staff Report

Case Number 04-2016

Wednesday, September 28, 2016

Reviewer: Brian Kench, Building Official, Board Secretary

**APPLICANT:** Scott Layton/Meijer's Corp.

**ADDRESS:** 1015 East Pickard Street

**REQUEST:** Applicant is requesting a variance from Section 154.120 (Off-Street Parking; Schedule of Minimum Spaces) of the Zoning Ordinance.

**LOT AREA:** 27.21 Acres

**ZONING:** C-3, General Business

**FUTURE LAND USE:** Commercial

### BACKGROUND:

An application has been filed by Scott Layton on behalf of Meijer's Corporation, requesting a variance from section 154.120 to reduce onsite parking required for their store located 1015 East Pickard Street. Meijer is looking to construct three additions to the front of their store, along with other updates to the front building facade and renovation to the interior of the building. The addition will increase the store by 2,559 square feet, bringing the total floor area to 198,394 square feet. While the additions to the building are relatively small in comparison to the existing building, the zoning ordinance requires that all deficiencies in parking, based on useable floor area, are brought into compliance with current standards when expansion and/or alterations occur.



*154.022 (F) Any permissible expansion, alteration or change of use which increases the required number of parking spaces shall be required to provide the required increase in the number of parking spaces subject to appropriate review and approval. Any deficiency in the existing parking shall be corrected at this time.*

The zoning ordinance defines usable floor area as an "area used for the sale of merchandise or services or for service to clients, or customers. Floor area used for utilities and storage shall be excluded from the computation of "usable floor area." The parking standards provided for this particular use requires one space for every 100 square feet of useable floor area or 1,488 spaces once the additions and related work on the interior are complete. The ordinance permits a variance in these standards under section 154.123 when the

applicant can demonstrate that they are able to accommodate 1½ cars for each employee and reserve an open landscaped area on the site to accommodate increased parking should the need arise in the future.

<b>154.120 Minimum Parking</b>	<b>154.123 Parking Variance Consideration</b>	<b>Existing Parking</b>	<b>Proposed Parking (If Variance is Granted)</b>
1:100ft <sup>2</sup> Usable Floor Area or 1488	1.5 per employee or 180 for 120 employees Open Landscaped Area in reserve provides 686 spaces	950 Spaces	920 Regular Spaces 23 Barrier Free Spaces 11 Van Accessible Spaces
<b>1488 Spaces Minimum</b>	<b>1,488 Spaces Possible</b>	<b>950 Spaces</b>	<b>954 Spaces (Restriping Lot)</b>

**ZONING**

**154.120 SCHEDULE OF MINIMUM SPACES**

In all districts provisions shall be made for off-street parking space for motor vehicles in accordance with the following minimum schedule:

<i>Use</i>	<i>Number of Minimum Parking Spaces Per Unit of Measure</i>
Self-service food markets, supermarkets, conveniences and party stores	1 for each 100 square feet of usable floor area

**154.123 PARKING VARIANCES**

Where it can be demonstrated that the maximum number of required parking spaces would exceed the maximum number of automobiles parking on the premises during an average day, the Zoning Board of Appeals may approve a site plan with fewer spaces provided:

- (A) The parking area accommodates 1½ cars for each employee.
- (B) (1) An open landscaped area meeting the required area for parking is reserved if an increase in parking needs occurs in the future.
- (2) The site plan approval reducing the number of required parking spaces shall be valid only for the use for which the variance was granted. An occupancy permit for a new use shall not be issued until a new site plan is approved.  
 (Ord. 613, passed 3-6-84) [Penalty, see § 154.999](#)

**LAND USES**

	<b>Land Use</b>	<b>Zoning</b>
<b>North</b>	Commercial/Industrial	C-3, General Business & I, Industrial
<b>East</b>	Commercial	C-3, General Business
<b>South</b>	Commercial	C-3, General Business
<b>West</b>	Commercial	C-3, General Business

**COMMENTS:**

The Board will need to review the application and supporting documentation, and determine if the request complies with the standards set forth in section 154.123 of the zoning ordinance to grant the variance request.

Attachments:

ZBA Application and Attachments  
Site Plan



City of Mt. Pleasant, Michigan  
 APPLICATION TO THE ZONING BOARD OF APPEALS  
 320 W. Broadway  
 Mt. Pleasant, MI 48858  
 (989) 779-5302

Filing Fee: \$250  
 Appeal # ZBA-04-2016  
 Submission Date: 9-16-16  
 Hearing Date: 9-28-16

APPLICANT INFORMATION		
Name: <u>SCOTT LAYTON</u>		
Address: <u>2929 WALKER AVE NW</u>	City: <u>GRAND RAPIDS</u>	State/Zip: <u>49544</u>
Daytime Phone: <u>616 791 3760</u>	Mobile phone:	
Applicant's Interest in property:		
E-mail address: <del>STATION</del> <u>SCOTT.LAYTON@MEIJER.COM</u>		

PROPERTY INFORMATION	
Address: 1015 Pickard Road	
Tax ID: 17-000-15-307-00	Zone: C-3
PROPERTY DESCRIPTION (Available from deed or City Assessor's office)	
Refer to Sheet C-100 for legal description	
PROPERTY OWNER INFORMATION (If different from applicant)	
Name: Meijer, Inc	
Address: 2929 Walker Avenue, NW	City: Grand Rapids State/Zip: MI 49544
Daytime Phone:	Mobile Phone:

THE UNDERSIGNED HEREBY APPEALS TO THE ZONING BOARD OF APPEALS FOR:			
VARIANCE			
<input type="checkbox"/> Side Yard	<input type="checkbox"/> Front Yard	<input type="checkbox"/> Rear Yard	<input type="checkbox"/> Height
<input type="checkbox"/> Coverage	<input checked="" type="checkbox"/> Other: Explain: Parking Count		
APPEAL			
<input type="checkbox"/> Decision of City Official		<input type="checkbox"/> Decision of Planning Commission	
<input type="checkbox"/> Other: Explain:			
USE VARIANCE			
Existing Use: <u>NA</u>			
Proposed Use:			
<b>*Note: Use Variances: Provide information requested on page 3</b>			

I hereby grant or have been granted permission for members of the City of Mt. Pleasant Zoning Board of Appeals, the Building Official or designee to enter the above described property for the purpose of gathering information related to this application.

[Signature] \_\_\_\_\_ Date 9/31/16  
 Signature (Owner of property) Date

\_\_\_\_\_ Date  
 Signature of Appellant (if not the owner of property) Date

Note: Applications can not be processed and scheduled for a hearing until a complete application, accompanying materials and filing fee have been submitted to the Department of Building Safety.

City of Mt. Pleasant, Michigan  
ZONING BOARD OF APPEALS  
APPEAL APPLICATION

**PROJECT DESCRIPTION**

Please use this section to describe the use or uses being proposed. Attach additional pages, if necessary:

The Meijer store is being remodeled with a revised front facade and approximately 2,300 square feet of addition to the entryways. Minor associated sidewalk, pavement and utility work is included. A variance of 696 spaces is being requested.

**Existing Site Conditions:**

Total Site Area: 27.21 acres or \_\_\_\_\_ sq. ft.  
Existing Building Area: 195,835 sq. ft.      Number of Existing Buildings: 1  
Number of Existing Residential Units: NA      Number of Existing Residential Occupants: NA  
Will any existing buildings or portions of buildings be demolished for the proposed project?     Yes     No  
If so, please state the total area to be demolished: 320 sq. ft.

**Proposed Site Conditions:**

New Building Area: 2,559 sq. ft.  
Total Building Area (existing + new): 198,394 sq. ft.  
Total Number of Buildings (existing + new): 1  
Total Number of Parking Spaces: 954  
Barrier-free Parking Spaces: 34

**Nonresidential Uses (Commercial, Office, Industrial, etc.):**

Total Floor Area: 198,563 sq. ft.      Total Number of Employees: 355  
Proposed Hours of Operation: 24 hours      Total Number of Shifts: 24 hours  
Number of Employees in Peak Shift: 120

**Residential Uses (Apartments, Rooming/Boarding Dwellings, etc.):**

Total Number of Proposed (existing + new) Units: \_\_\_\_\_  
Total Number of Proposed (existing +new) Occupants: \_\_\_\_\_  
Maximum Number of Occupants per Unit: \_\_\_\_\_  
Efficiency Units Total Number Proposed: \_\_\_\_\_      Avg. Floor Area: \_\_\_\_\_  
One-Bedroom Units      Total Number Proposed: \_\_\_\_\_      Avg. Floor Area: \_\_\_\_\_  
Two-Bedroom Units      Total Number Proposed: \_\_\_\_\_      Avg. Floor Area: \_\_\_\_\_  
Three-Bedroom Units      Total Number Proposed: \_\_\_\_\_      Avg. Floor Area: \_\_\_\_\_  
Four-Bedroom Units      Total Number Proposed: \_\_\_\_\_      Avg. Floor Area: \_\_\_\_\_  
Five-Bedroom Units      Total Number Proposed: \_\_\_\_\_      Avg. Floor Area: \_\_\_\_\_  
Other Units \_\_\_\_\_      Total Number Proposed: \_\_\_\_\_      Avg. Floor Area: \_\_\_\_\_

**List Reasons Why the Petition Should Be Granted:**

It is Meijer's intention to attain a sustainable footprint of impervious surface that is environmentally friendly. Granting of this request will allow for this intent while also providing a safe parking experience for the general public.

## FOR NON-USE VARIANCE OR DIMENSIONAL VARIANCE

To obtain a non-use or dimensional variance, the applicant must show practical difficulty by demonstrating that all of the following conditions exist. Under each condition, explain in writing how the request meets these criteria. Attach additional sheets as necessary.

(1) That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or classes or uses in the same zoning district; exceptional or extraordinary circumstances or conditions normally include:

- a. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter;
- b. Exceptional topographic conditions or other extraordinary situation on the land, building or structure; or
- c. Use or development of the property immediately adjoining the property in question.

1 parking space per 100 square foot ordinance requirement does not suit supermarket use. 1,478 spaces is too many and would cause unnecessary amount of impervious parking surface.

(2) That such a variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity.

Parking surface reduction throughout the community would improve preservation of green space.

(3) That the variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practicable.

This variance request is unique in that there are not many 200,000 sf supermarkets. Common parking requirements are difficult to apply to very large supermarkets.

(4) That the authorizing of such variance will not be a substantial detriment to adjacent property.

Reduction of overabundance of parking area will not be a detriment to adjacent properties.

(5) That authorizing of the variance will not materially impair the purposes of this chapter or the public interest.

Authorization of this request will not impair public interest nor the zoning code.

(6) That the need for the variance is not created by any action of the applicant or previous owner.

The variance requested is based on historical parking needs and not on any action of the property owner.



**Mount Pleasant Fire Department  
804 E. High Street  
Mount Pleasant, Mi 48858**

**City of Mt. Pleasant Zoning Board of Appeals**

Thursday September 8,

Meijer Inc.

1015 E Pickard RD

Mt. Pleasant, MI 48858

A Site Plan Review was conducted on Thursday September 8, 2016 and revealed the following requirements listed below.

ORDER TO COMPLY: Since these conditions are contrary to code, you must correct them upon receipt of this notice. Please provide our department the documentation that verifies compliance with the code.

This list shall not be considered all-inclusive, as other requirements may be necessary, additional requirements are located in Chapter 5 and appendixes B, C, and D of the 2006 Edition of the International Fire Code.

If you have any questions regarding this matter, please feel free to contact me at (989) 779-5122.

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**Violation Code**

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1 PROPERTY Identification  
Meijer Inc.  
1015 E. Pickard  
ZBA - 04 - 2016

-----  
NO COMMENTS/CONCERNS No Code Violations

In review of the subject property, I have no comments or concerns.  
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**Keeler, Randy**  
**Lieutenant**  
**Mount Pleasant Fire Department**



# THE CITY OF MT. PLEASANT, MICHIGAN

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**CITY HALL**

401 N. Main • 48858-1698  
(989) 779-5300  
(989) 773-4691 fax

**PUBLIC SAFETY**

804 E. High • 48858-3595  
(989) 779-5100  
(989) 773-4020 fax

**PUBLIC WORKS**

1303 N. Franklin • 48858-4682  
(989) 779-5400  
(989) 772-6250 fax

## Zoning Board of Appeals – DPW Office Comments

**ZBA-04-2016**  
**Due Date: 2016-09-19**

Address of Development: **1015 E Pickard Street**

Project Description: Remodel and revised front facade along with a 2,300 sqft additon to the entryways.

Submit two (2) sets of the final site plan and storm water detention calculations for final site plan review and D.P.W. permit fees determination.

Director:

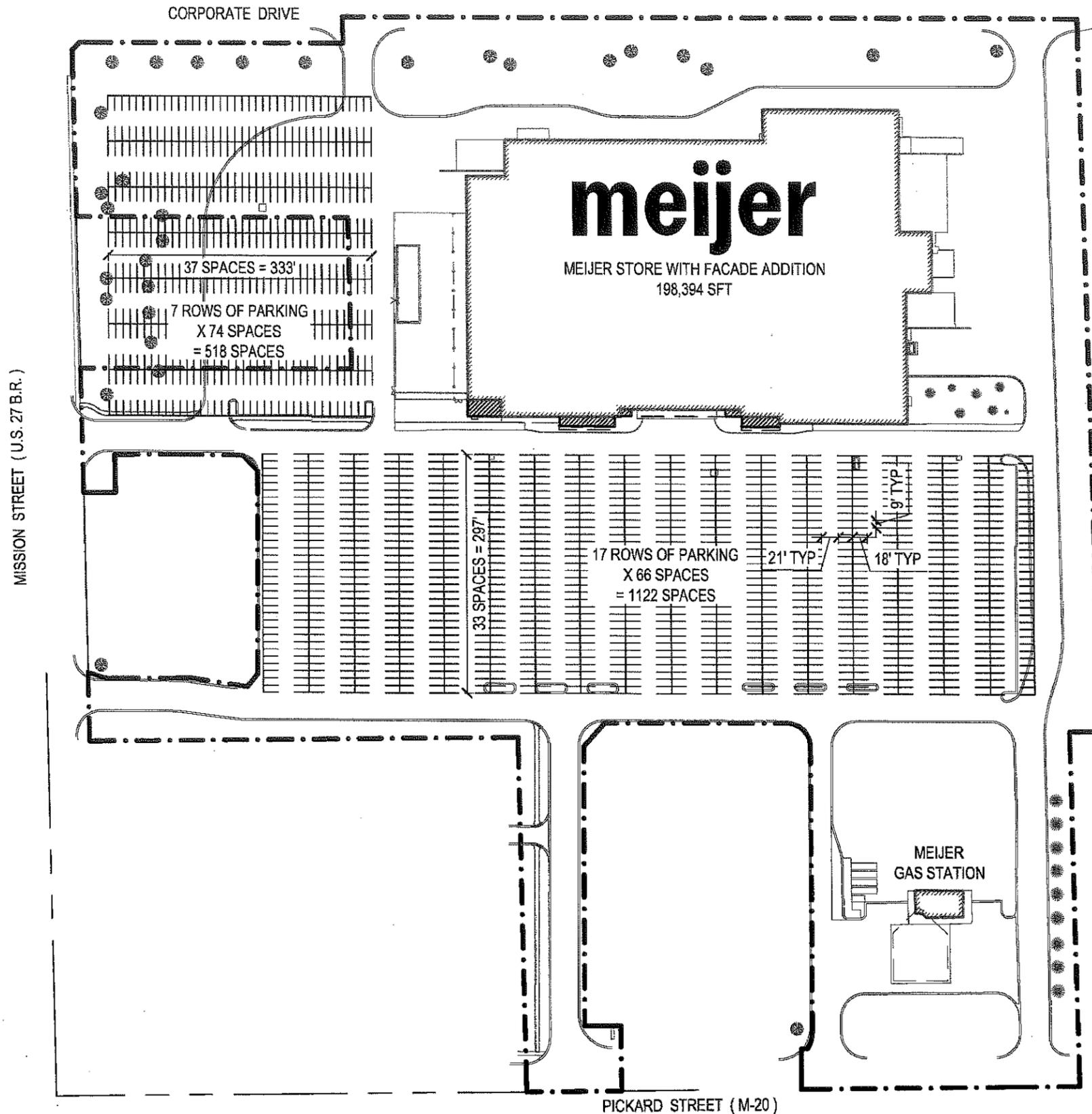
Engineering:

- No concerns on parking variance.
- Comply with storm water management requirements and submit plans and calculations for review.
- Submit final construction and utility plans to DPW for review and approval.
- Grading for storm water runoff from improvements shall not adversely affect adjacent properties.
- Comply with Isabella County SESC requirements.
- Sidewalk through driveways must be minimum 6” thick.
- All broken sidewalk must be replaced.
- Grease/Oil trap may be required.
- Sewer capacity charge will apply based on water meter size.
- Obtain a permit from MDOT for any work within the Pickard St. or Mission St. r.o.w.

Street Department:

Water Department: No concerns. MF

Wastewater Department: No concerns not addressed above. S. Hein



**PARKING DATA:**

**PARKING REQUIREMENTS PER ORDINANCE 154.120:**

SUPERMARKETS: 1 SPACE PER 100SF UFA  
 9.0 FOOT WIDE X 18 FOOT DEEP SPACES  
 21 FOOT AISLES

BUILDING AREA	198,394 SF
USABLE FLOOR AREA (75%)	148,796 SF
@ 1 SPACE PER 100 SF	1,488 SPACES

ORDINANCE REQUIRED SPACES 1,488 SPACES

**MEIJER PROPOSED PARKING REQUIREMENTS:**

1 SPACE PER 250SF GFA  
 9.5 FOOT WIDE X 20 FOOT DEEP SPACES  
 25 FOOT AISLES

BUILDING AREA	198,394 SF
@ 1 SPACE PER 250 SF	794 SPACES

MEIJER REQUIRED SPACES 794 SPACES

**VARIANCE REQUESTED:**

1,488 SPACES MINUS 794 SPACES = 694 SPACE VARIANCE

**DEMONSTRATION PER 154.123:**

MAXIMUM EMPLOYEES	120 EMPLOYEES
@ 1.5 SPACES PER EMPLOYEE	180 SPACES

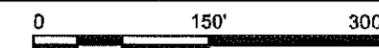
TOTAL SPACES REQUIRED 180 SPACES

RESTRIPE LOT AND GREEN SPACE	
@ ORDINANCE MINIMUMS	1,640 SPACES
(SEE EXHIBIT TO LEFT)	

TOTAL SPACES POSSIBLE 1,640 SPACES

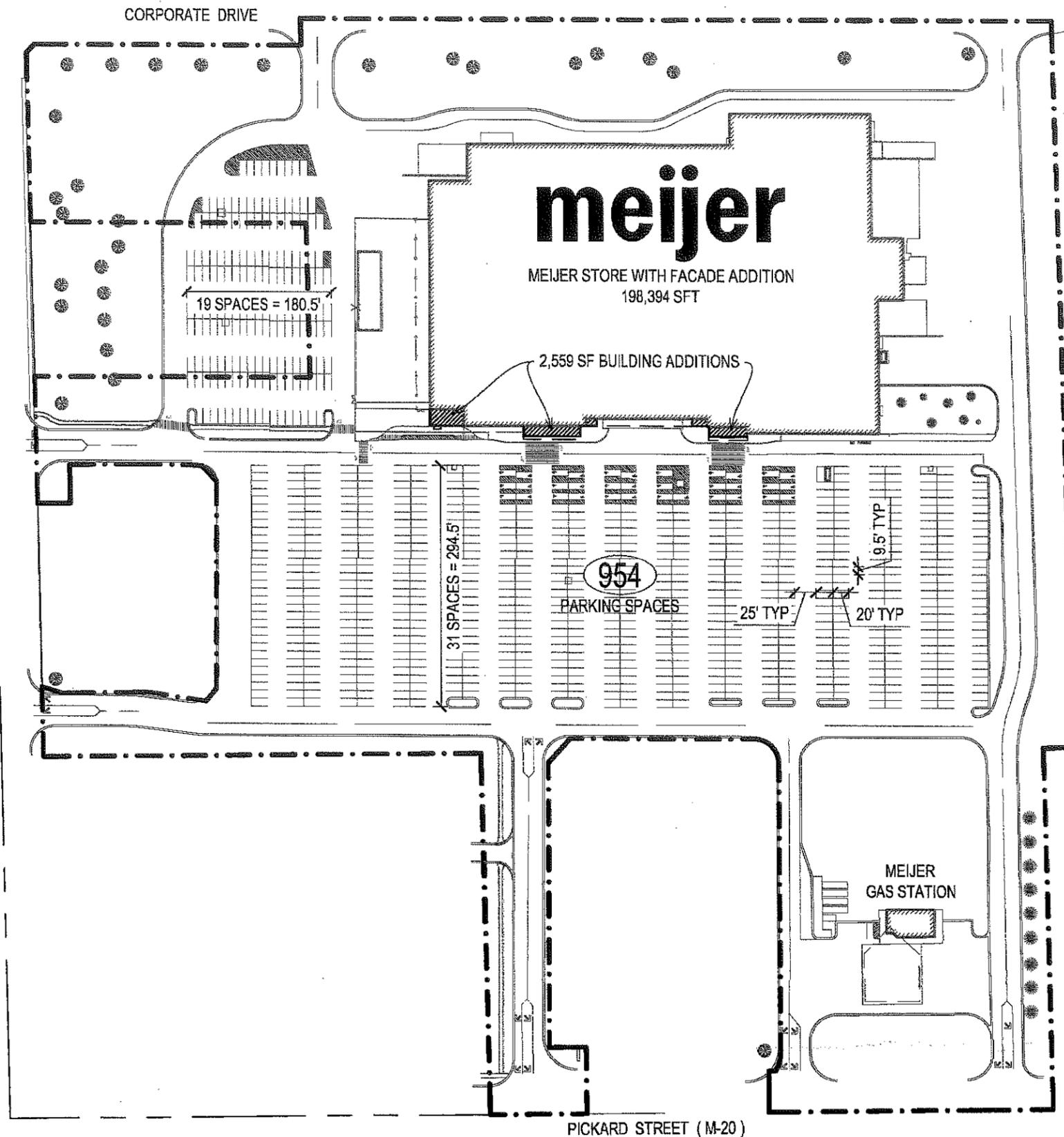
**MEIJER 069 PARKING VARIANCE EXHIBIT**

SCALE: 1" = 150'



ARCHITECTS ENGINEERS  
 550 3 Mile Road N.W., Suite B (616) 785-5656  
 Grand Rapids, MI 49544 www.ParadigmAE.com  
 JOB #: 1605062

MISSION STREET ( U.S. 27 B.R. )



**PARKING DATA:**

**PROPOSED PARKING FOR REMODEL PROJECT:**

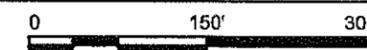
REGULAR 9.5 FOOT SPACES	920 SPACES
BARRIER FREE SPACES	23 SPACES
VAN ACCESSIBLE SPACES	11 SPACES

TOTAL SPACES PROPOSED 954 SPACES\*

\* DOES NOT INCLUDE SPACES OCCUPIED BY CART CORRALS

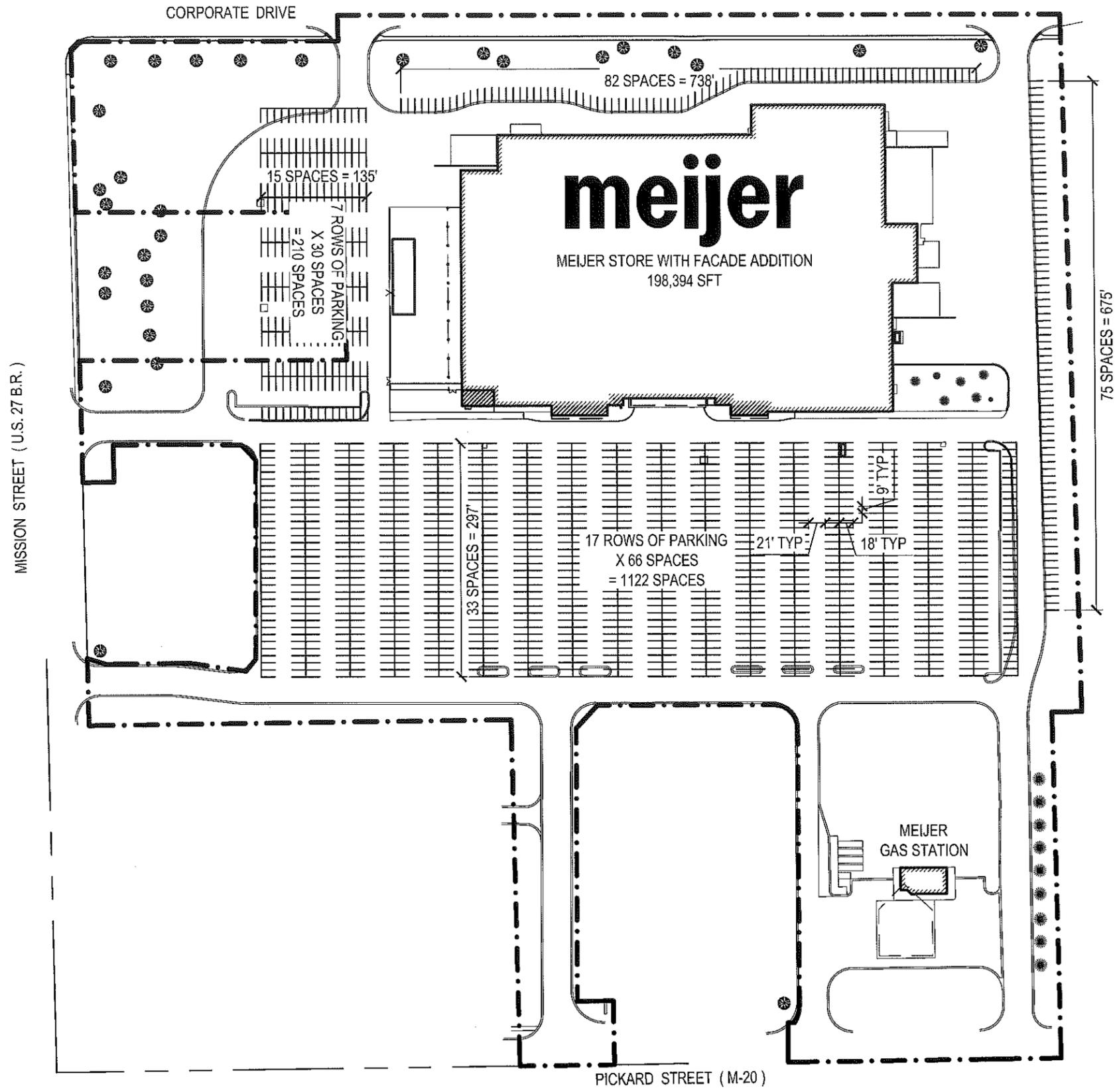
**MEIJER 069 PRELIMINARY SITE PLAN**

SCALE: 1" = 150'



ARCHITECTS 550 3 Mile Road N.W., Suite B Grand Rapids, MI 49544  
 ENGINEERS (616) 785-5656 www.ParadigmAE.com  
 JOB #: 1605062





**PARKING DATA:**

**PARKING REQUIREMENTS PER ORDINANCE 154.120:**  
 SUPERMARKETS: 1 SPACE PER 100SF UFA  
 9.0 FOOT WIDE X 18 FOOT DEEP SPACES  
 21 FOOT AISLES

BUILDING AREA	198,394 SF
USABLE FLOOR AREA (75%)	148,796 SF
@ 1 SPACE PER 100 SF	1,488 SPACES
<b>ORDINANCE REQUIRED SPACES</b>	<b>1,488 SPACES</b>

**DEMONSTRATION OF AVERAGE DAY PARKING (154.123):**  
 MEIJER HAS BUILT AND CURRENTLY OPERATES SEVERAL HUNDRED COMPARABLE 190,000 - 200,000 SQUARE FOOT STORES THROUGHOUT MICHIGAN AND THE MIDWEST. THE MEIJER INTERNAL DESIGN STANDARD FOR ALL NEW STORES AND REMODELS UNDER 200,000 SQUARE FEET IS 767 PARKING SPACES. THIS CALCULATES ROUGHLY AS 1 SPACE PER 250 SQUARE FEET OF GROSS FLOOR AREA. 18 STORES HAVE BEEN BUILT WITH THIS STANDARD OVER THE LAST 2 YEARS WITHOUT PARKING DEMAND ISSUES.

<b>MEIJER STANDARD SPACES</b>	<b>767 SPACES</b>
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**CONDITION "A" OF 154.123:**

MAXIMUM EMPLOYEES	120 EMPLOYEES
@ 1.5 SPACES PER EMPLOYEE	180 SPACES
<b>TOTAL SPACES REQUIRED</b>	<b>180 SPACES - CONDITION MET</b>

**CONDITION "B" OF 154.123:**

RESTRIPE LOT AND GREEN SPACE @ ORDINANCE MINIMUMS	1,489 SPACES (SEE EXHIBIT TO LEFT)
<b>TOTAL SPACES POSSIBLE</b>	<b>1,489 SPACES - CONDITION MET</b>

**VARIANCE REQUESTED:**

REQUIRED SPACES PER ORDINANCE:	1,488 SPACES
SPACES PER MEIJER STANDARD:	767 SPACES
<b>REQUESTED VARIANCE =</b>	<b>721 SPACES</b>

**MEIJER 069 PARKING VARIANCE EXHIBIT**

SCALE: 1" = 150'



**ARCHITECTS**      **ENGINEERS**  
 550 3 Mile Road N.W., Suite B      (616) 785-5656  
 Grand Rapids, MI 49544      www.ParadigmAE.com  
**JOB #: 1605062**

## Reviewing Zoning Board of Appeals Petitions: Part 1 – Gathering Information

Excerpted from the *Zoning Board of Appeals Toolkit*, a Michigan Association of Planning publication

***Before decisions can be made by a zoning board of appeals, information must be gathered to facilitate the decision making process. Information is gathered from many different sources including documents submitted by the applicant, public input, site analysis, and review of the zoning ordinance and other applicable municipal codes.***

Applicants are generally required by a community to provide information adequate to ensure that the request can be understood. Specific application requirements should be listed in the community's zoning ordinance. Application submittal requirements should be consistently applied to all applications. All application materials become part of the official record of the request.

Typical submittal requirements include:

**Application form.** A community typically requires a written application for each request. The application form will specify the type of relief being sought (e.g., use variance, non-use variance, or appeal of an administrative decision), ownership information, and site data (e.g., site location, location of structures, site size, zoning district, etc.).

**Written response.** With all requests, **the burden of proof is on the applicant**, therefore, the most important information submitted is a written description of why approval of the request is warranted. For use and non-use variances, the ordinance must outline a list of review criteria in accordance with the Michigan Zoning Enabling Act. **The applicant must explain how their application meets the criteria.** For appeals, interpretations, and other approvals within the ZBA's authority, there may or may not be criteria set forth in the ordinance. However, the burden of proof still exists, and the applicant must provide a written explanation of the situation and the requested relief.

*A typical application form should include:*

- A legal description of the property
- Signatures of all with interest in the property
- A plot plan with any easements on the property
- Description of the variance request, including the stated hardship or practical difficulties

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**Other information.** The ZBA or staff can require that additional information be submitted in order to fully evaluate the application. In the case of a use variance, for example, detailed information about the proposed use, such as operation information, should be requested. For non-use variances, a scaled drawing is necessary to understand the dimensions being considered along with existing site conditions. Other helpful data may include photographs, aerial photos, slides, or videotape.

In addition to application materials, ZBA members should review all available and relevant information needed to make a decision. Additional sources of information could include:

**Information from staff.** ZBA members should ask for additional information from the community's staff. For example, some cases may warrant review of the community's master plan or special studies to understand the community's vision for the area in which the subject site is located. In addition, it may be important to evaluate data on lot sizes and/or lot configuration in the vicinity of the site in order to determine whether an extraordinary circumstance exists. Any information you receive individually should also be made available to each of the other members.

**Site visits.** Visiting the site can assist in understanding existing site conditions in the context of the application. Site visits can also help ZBA members determine whether conditions of approval are warranted. The following are important tips when visiting a site:

- Site visits should be made individually rather than as a group. Group visits, even with less than quorum, raises several issues. A site visit with the majority of the membership requires that the meeting be posted in accordance with the Michigan Open Meetings Act and that steps be taken to ensure accessibility in accordance with the Americans with Disabilities Act (ADA). In addition, it is difficult for the visiting members (even if there is no quorum) to avoid talking amongst themselves about the proposal, which violates the spirit of the Michigan Open Meetings Act.
- Look closely at traffic conditions, natural features, surrounding land uses, adjacent structures, development patterns, and general neighborhood characteristics. Any of these may influence the ZBA's determination regarding potential impacts of the request or whether an extraordinary circumstance exists.
- Visit the site in the most appropriate context to address your questions and concerns. Visiting a site during a peaceful Sunday afternoon may not be representative of traffic conditions during rush hour.

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- Do not discuss the proposal with the property owner or neighbors while conducting a site visit. If the property owner is present, explain that you are only there to verify the conditions of the variance request.
  
- Do not go onto the site unless the property owner grants specific written permission or the site is otherwise available to the public (such as an existing shopping center). This can help avoid misunderstandings and problems with trespassing. If permission has not been granted and you feel as though your decision cannot be made without viewing the site, look for other ways to get the same information. Do not allow your decision to be influenced by the applicant's reluctance to allow you on the site. Many people are concerned about liability and protecting their privacy.
  
- Describe your site visit findings to the rest of the ZBA at the meeting so that they have the benefit of your observations.

Next in the series: Effective Decision-making

To purchase a copy of the Zoning Board of Appeals Toolkit, go to  
<http://www.planningmi.org/publications.asp>.