

Mt. Pleasant Zoning Board of Appeals
Minutes of Regular Meeting
January 28, 2009

Chairman Tolas called the meeting to order at 7:08 p.m.

I. Roll Call: Board Secretary Kench called roll.

Members Present: Benison, Curtiss, Ellertson, Tolas, White
Others Present: Kench, Murphy, Appellant

II. Approval of Agenda

Motion by Curtiss and supported by Benison to approve agenda. Motion approved unanimously.

III. Approval of Minutes from November 26, 2008

Motion by Curtiss and supported by White to approve minutes from November 26, 2008 as written. Motion approved unanimously.

IV. Communications: Kench reported there were no communications other than those related to the cases.

V. Public Comments: Tolas opened the floor for public comments.

There being no one who wished to address the Board at this time, the floor was closed.

VI. New Business

Chairman Tolas explained Board proceedings and noted that a quorum was present.

Case 01-2009 – 911-913 N. Henry. Kench introduced Case 01-2009, explaining that this was a request to reduce the number of parking spaces required for a duplex dwelling. Kench explained that when the owner purchased the property, the rental license had lapsed and the use had been discontinued, therefore he is now required to comply with current Ordinance requirements prior to re-licensing it. The applicant went before the Planning Commission on January 8, 2009 and was granted a Special Use Permit allowing a two-family dwelling. The approval was granted with the stipulation that the owner provide hard-surface driveway access and parking be installed at a ratio of 3 spaces per dwelling unit to comply with the Ordinance, unless a variance is granted by the ZBA. Kench informed the Board that the property is currently undergoing some renovations including a new roof, siding and windows.

Kench stated that the area is primarily single family and duplex units providing two parking spaces per unit, making this request consistent with the neighborhood.

White asked if parking was allowed on the street in that area. Kench stated that parking on the street overnight is not allowed anywhere in the city from September 1 through May 1, so during those months, from 2:00 a.m. – 5:00 a.m., they would have to make other arrangements.

Mr. Robert Wheeler addressed the Board as owner and applicant. Mr. Wheeler reported that he didn't have a lot to add to Mr. Kench's presentation other than the house has now been completely re-sided and therefore, looks much better than the picture that was shared with the Board. He also stated that he feels this request fits in with the entire tenor of the neighborhood, with most of the other duplexes in the area only providing four spaces. He stated that his concern with installing six spaces is that it would make the site look too commercial.

Chairman Tolas opened the Public Hearing. There being no one who wished to address the Board, the Public Hearing was closed.

Kench stated we had received two pieces of correspondence:

- The Fire Department went on record as having no objections with the request.
- The Department of Public Works stated they would require two sets of site plans to be submitted for storm water calculations for the final site plan review, and D.P.W. permit fees determination.

Board Discussion:

Ellertson stated that Mr. Wheeler's original request to the Planning Commission for a Special Use Permit was for approval of the SUP with four parking spaces. Although the Planning Commission's original motion was to approve the request, it was suggested by the Vice-Chair that the Planning Commission wasn't authorized to approve a request that did not meet ordinance requirements. They could, however, approve the SUP for six spaces to meet ordinance requirements and the applicant could then seek a variance from the Zoning Board of Appeals. Mr. Ellertson stated that it wasn't that the Planning Commission didn't agree that four spaces were sufficient; it was just out of their hands to grant that request.

White asked if everyone had had a chance to look at the site. Ellertson stated that he was familiar with the property and indicated that at one time he had considered purchasing it but felt it needed more work than he wanted to put into it. He also indicated that he feels that four spaces is sufficient for this site and also pointed out that there is enough space to allow additional spaces in the future if the need is there.

Tolas questioned where guests would park and stated that the cost associated with adding two additional spaces would not be that significant.

White stated that each case is unique and considering the area, does not see a need to make the appellant meet the ordinance standard of three spaces per unit, and believes two per unit would be sufficient on this site.

Curtiss asked Mr. Wheeler who he intended to rent the units to. Mr. Wheeler indicated he preferred families. He currently has two single individuals interested in one of the units. There are currently no tenants lined up for the second space.

White stated there is ample land space for future expansion and does not see a problem with the request.

Motion by Ellertson and supported by Benison to grant the variance from Section 154.120 as requested to allow only four parking spaces where six are required by ordinance.

Roll Call Vote: Ayes: Curtiss, White, Benison, Ellertson. Nays: Tolas. Motion approved 4:1.

VII. Other Business:

- Kench referred to the meeting schedule for 2009 that was included in the packets and asked if there was a motion to accept the proposed meeting schedule.

Motion by Curtiss and supported by White to accept the 2009 meeting schedule. Motion approved unanimously.

- Kench stated that Chairman Tolas, who has reached the end of his term, has graciously agreed to stay on the Board until a replacement can be appointed. As this was Mr. Tolas' last official meeting, Kench presented him with a plaque in appreciation for his many years of service on the Zoning Board of Appeals.

Mr. Tolas thanked Mr. Kench and stated he has enjoyed his time serving on the Board and looks forward to serving again in the future.

VIII. Adjournment

Motion by Curtiss and supported by Ellertson to adjourn. Motion approved unanimously.

Meeting was adjourned at 7:29 p.m.