

Mt. Pleasant Zoning Board of Appeals  
Minutes of Regular Meeting  
March 25, 2009

Kench called the meeting to order at 7:00 p.m.

**I. Roll Call:** Board Secretary Kench called roll.

Members Present: Benison, Curtiss, Ellertson, Kulick, Olivieri, Rowley, White  
Others Present: Kench, Murphy, Appellants, Community Members

**II. Introduction of new members:**

Board Secretary Kench introduced the new Zoning Board of Appeals members: Tony Kulick, Joe Olivieri, and alternate, Christine Rowley.

**III. Election of Officers:**

Motion by Benison and supported by Kulick to elect Commissioner Curtiss as Chairman. Motion approved unanimously.

Motion by Ellertson and supported by Kulick to elect Benison as Vice-chairman. Motion approved unanimously.

**IV. Approval of Agenda:**

Motion by Kulick and supported by Benison to approve the agenda. Motion approved unanimously.

**V. Approval of Minutes from January 28, 2009:**

Motion by Kulick and supported by Benison to approve the minutes from January 28, 2009, as written. Motion approved unanimously.

**VI. Communications:**

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

**VII. Public Comments:**

Curtiss opened the floor for public comments. There being no one who wished to speak, the floor was closed.

**VIII. New Business:**

Chairman Curtiss explained Board proceedings and noted a quorum was present.

**Case 02-2009 – 1028 S. Lansing.** Kench introduced Case 02-2009, explaining that this was a request for the redevelopment of a rooming and boarding dwelling. The site is located in an M-2 zoning district, which makes this an allowable use with a Special Use Permit from the Planning Commission. The applicant has proposed razing the building that is currently on site and replacing it with a new building for six occupants. The applicant lacks sufficient land area per ordinance requirements for six occupants. The site provides 4,745 square feet, and 5,400 square feet is required (900 square feet per occupant) by ordinance.

If the Board approves this request, the applicant is also requesting a reduction in the available on-site parking. Ordinance requirements for parking for rooming/boarding dwellings are 1:1. The applicant is proposing five on-site spaces with additional parking provided on the adjacent site at 315 E. Bellows. Kench explained that the site at 315 E. Bellows is licensed for 11 occupants and is required under their current housing license to provide 9 parking spaces, however, the lot was recently reconstructed and now provides 15 hard-surfaced parking spaces (this was later clarified that the site has 14 spaces rather than 15).

Kench shared the site plan provided by the applicant along with pictures of the home that will be razed to make room for the new development.

Mr. Jakeway addressed the Board as owner and applicant for this proposed project. Mr. Jakeway gave some history on the site and clarified that there are 14 parking spaces available at 315 E. Bellows, which is licensed for 11. Mr. Jakeway also stated that although the site is licensed for 11 occupants, there are only 9 bedrooms and generally the occupancy is limited to 9. He reiterated that he is proposing the parking ratio on the new development at 1028 S. Lansing to be 6:5, with extra parking available at 315 E. Bellows.

Benison asked how the footprint of the existing building compares with the proposed building. Mr. Jakeway indicated that the existing building is 1034 square feet with five bedrooms. The building is functionally obsolete and needs a new roof and new windows. There are also issues with the configuration of the stairways. He has proposed the new building to be roughly double in size and moved forward on the lot.

Kulick stated that if the adjoining properties (315 E. Bellows and 1028 S. Lansing) were combined into one tax ID number, the applicant would have 18,980 square feet of land area. If divided by the 900 square feet per occupant required by ordinance, the applicant would theoretically have enough land area for 21 occupants. Since the applicant is proposing 6, and the license for 315 E. Bellows is for 11, the total number of occupants would be 17, which is still less than the 21. Kulick stated that based on those calculations, if combined, the applicant would not need a variance.

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

Kench reported the only correspondence received was from the Fire Department who had no comments or concerns.

Board Discussion:

Motion by Kulick and supported by Olivieri to approve the variance request to increase the occupancy of 1028 S. Lansing to six occupants and reduce the required on-site parking to five spaces, provided the applicant provide additional parking on the adjacent property and record a deed restriction approved by the City Attorney that the properties be sold together or the occupancy of 1028 S. Lansing revert to one occupant per parking space provided on site. The variance is based on a finding that it is not detrimental to adjoining properties or the surrounding neighborhood and does not impact the intent of the Zoning Ordinance. Kulick further stated that the ordinance may allow for the shared use of parking and also permits the Zoning Board of Appeals to impose reasonable conditions for variances.

Roll Call Vote: Ayes: Curtiss, White, Kulick, Olivieri, Ellertson. Nays: Benison  
Motion carried 5:1.

Kench stated a letter would be sent to the applicant and also the Planning & Community Development Director.

**Case 03-2009 – 1222 North Drive** – A request for a variance from the rear yard setback requirements.

Commissioner Kulick stated he would be abstaining from the discussion and voting on this case, as his wife has a relationship with the food service establishment and does not want the appearance that there is a potential conflict of interest. Kench indicated that since Commissioner Kulick would be abstaining, our Board Alternate, Commissioner Rowley, would be taking place in the discussion and will be voting in place of Commissioner Kulick.

Kench introduced Case 03-2009, explaining that the Isabella Medical Care Facility is proposing a 1400 square foot kitchen addition to operate a food service program. The facility currently has no food service program and contracts with Central Michigan Community Hospital for their food service. Kench shared the site plan and several photos of the area in question, describing the uniqueness of the lot. The facility shares a common wall and property line with the Hospital and basically functions as a single institution. The applicant is proposing an addition within 9 feet of the property line, where 25 ft. is required by ordinance. Kench further stated that if approved, the applicant will need to obtain both a Special Use Permit and go through Site Plan Review before the Planning Commission.

Stacy Tewari, Rowe P.S.C., addressed the Board as the representative for this case. Ms. Tewari reiterated the uniqueness of this site, explaining that there are two separate owners; however, the site serves as one large campus. Ms. Tewari stated that the proposed addition would serve as the food service program to the Medical Facility, which is currently contracted to the Hospital.

White asked if the proposed addition would serve any purpose for the hospital. Ms. Tewari replied that it would not.

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

Kench reported the only correspondence received was from the Fire Department who had no comments or concerns.

Ellertson asked for clarification on the setback request. He also asked if notices had been sent to the hospital and surrounding properties. Kench stated that the notices were sent out and we had received no comments.

Motion by Olivieri and supported by White to grant the variance as requested based on the uniqueness of the lot.

Roll call vote: Ayes: Rowley, Benison, Curtiss, White, Ellertson, Olivieri. Nays: 0 Motion passed unanimously.

Kench indicated a letter would be sent to the applicant and to the Director of Planning & Community Development.

#### **IX. Other Business**

Kench stated that at this time no new cases have been submitted for April; however the deadline is not until March 31. He also asked the new members to contact him if they had any questions regarding Board proceedings or particular cases, etc.

#### **X. Adjournment**

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

Meeting was adjourned at 7:32 p.m.