

Mt. Pleasant Zoning Board of Appeals
Minutes of Regular Meeting
September 23, 2009

Chairman Curtiss called the meeting to order at 7:05 p.m.

I. Roll Call: Board Secretary Kench called roll.

Members Present: Curtiss, Kulick, Rowley, White

Absent: Benison, Ellertson, Olivieri (Olivieri was present as an applicant for Case 06-2009, but not as a voting Board member)

Others Present: Kench, Murphy, Appellants, and community members

II. Approval of Agenda:

Motion by White, support by Kulick, to approve the agenda. Motion approved unanimously.

III. Approval of Minutes from August 26, 2009:

Motion by Kulick, support by Rowley, to approve the minutes from August 26, 2009, as written. Motion approved unanimously.

IV. Communications:

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

V. Public Comments:

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

VI. New Business:

Board secretary Kench explained board proceedings and noted that although a quorum of four members was present, based on the Board's By-laws, in the event that only four (4) voting members are present, the appellant has the right to postpone the hearing of the case until the next meeting, up until the time their case is called.

Kench called the applicant for **Case 06-2009 – 802 S. Main Street** to the podium. Kench explained that because there were only four voting members present, the applicant could request their case be postponed. The applicant stated he wished to proceed with the hearing.

Kench introduced **Case 06-2006**, stating that this was a request for consideration on several variances to allow the redevelopment of the site located at 802 S. Main Street. The proposal includes razing the existing building, which is currently licensed for 11 occupants, and constructing a new building to be occupied as a Registered Student Organization (Sorority). The applicant is requesting a variance to allow an additional occupant, bringing the total

occupant count to 12. Current ordinance requires 900 square feet of land area for each occupant, which would only permit 8.7 occupants on this site.

Kench reported that the applicant received approval from the ZBA in 2002 to redevelop the site for 12 occupants, however, the construction did not commence within the one year time period, and therefore, the approval has since expired. The developer is now looking to resurrect the project.

Kench shared photos of the existing site, the plan that was approved in 2002, along with illustrations of the building that is being proposed now. Kench explained that staff has worked with the developer over the past month on variations of the original design to incorporate architectural features found in the surrounding area, and to encourage the developer to use better building materials than what was proposed in the earlier design. The result is a building that has a brick façade, architectural details such as dormers, shutters, and a projected front porch with pillars and a mock balcony. In addition, fencing that incorporates brick pillars to blend in with the façade of the building will be installed to act as screening from the proposed parking area

Kench reported that at their September 3, 2009 meeting, the Planning Commission supported the concept of allowing reasonable increases in occupancy to encourage better redevelopment of obsolete rooming and boarding dwellings that are located in the M-2, Multifamily District.

Kench stated that the applicant is also requesting a variance from the parking requirement. Ordinance requires a ratio of 1:1 for rooming/boarding dwellings, with the requirements for a Registered Student Organization set at a ratio of 1:1, plus two extra spaces. The applicant is proposing 12 parking spaces, which would be a ratio of 1:1. The site currently has only 6 spaces available for the 11 occupants that it is licensed for.

Kench explained the proposed re-development also includes a request for a variance to reduce the required greenbelt of 10 feet down to 7 to accommodate the parking. The applicant has agreed to install decorative fencing to improve the screening of the parking area as a tradeoff for the decrease in greenspace. The applicant is also requesting a 6" variance on the south side setback. Ordinance requires a 6.5' setback and the applicant is proposing a 6' setback.

Kench stated that this is a highly visible corner leading into the student area. He also indicated the design would eliminate access off Main Street, keeping all the parking at the rear of the site.

Kench summed up the variances being sought by the developer:

1. **INCREASE IN OCCUPANCY:** Increase in the current occupancy from 11 to 12 (Land Area/ 8.7. – Request was approved by previous ZBA).
2. **FRONT SETBACK:** Reduction in the front setback to 14 feet. (Added Architectural Features)
3. **SIDE YARD:** Reduction in the side yard to 6 feet. (6 inch variance)

4. GREENBELT: Reduction in the Greenbelt width to 7 feet. (Upgrade with fencing and planting.)
5. PARKING: Permit a 1:1 ratio for Registered Student Organization – Sorority (12 spaces)

Joe Olivieri, Applicant for Case 06-2009 addressed the Board, stating that staff had pretty much covered the request and he would answer any questions Board members may have.

Kulick expressed concerns with the height of the proposed fence, indicating he felt a 6' fence was too high and although it would screen the parking lot, it may be a visual impediment to cars leaving the parking lot.

Mr. Olivieri indicated the height was set at 6' to screen the parking lot, however lowering the height of the fence would not be a problem. Discussion on lowering the fence to an approximate height of 3 ½ feet, using masonry/brick for aesthetic purposes, would still be sufficient for screening purposes.

Curtiss asked if this is something the Planning Commission would address during site plan review. Kulick indicated that if the ZBA approved the request, they could specify the height of the fence.

Rowley expressed concern with the front setback request, asking about setbacks on neighboring houses, and whether this would be a problem. Olivieri stated the home across the street was set back at 20'. Kench stated the house to the south was set back at 26 – 27'.

Kench stated that the ordinance allows for an open porch to extend 6' into the required front setback. He further indicated that the desire to keep the parking in the rear of the development was pushing the building forward, along with the architectural features that were encouraged.

Kulick stated that the applicant could potentially take out two parking spaces, allowing the building to be pushed back, and put a driveway off Main Street to accommodate a couple of cars, however, he stated, this would not be nearly as desirable of a design. In addition, cars would have to back out onto the street, rather than pulling out forward.

Kulick asked Kench if MDOT had any plans of widening High Street that may impact this property. Kench stated there was nothing that the City was aware of at this time, and they would actually prefer narrowing High Street rather than widening it.

Kulick asked what the basis was for approving the variance in 2002. Kench indicated the Board looked at the improved building safety and fire safety, and getting rid of an obsolete building.

Kulick asked how the current site was ever licensed for 11. Olivieri stated it has been that way for several years and was grandfathered in for that many occupants.

Chairman Curtiss opened the Public Hearing.

Marja Nothstine, 1361 S. Crawford, addressed the Board. Ms. Nothstine indicated that although this was a beautiful building being proposed by the applicant, she expressed concerns with the logistics of the parking area, feeling it would be difficult to maneuver and also that the parking area was too large for the site. She also expressed concerns with the driveway exiting onto High Street.

Joneil Cook, 819 S. Doe Trail, and owner of the neighboring property to the South, expressed concerns with the proposed project. Ms. Cook acknowledged that the proposed building was beautiful, however, by setting it so close to the street, she feels it would have a negative impact on her property, boxing it in and obscuring the view. Ms. Cook stated she feels the project is too big for the space, would fill the entire lot, and needs to be scaled down. She indicated her biggest concern was with the front setback. Ms. Cook measured the houses along Main Street and none of them currently sits closer than 20'. She expressed concerns that this would establish a new setback for the street.

Jeff Jakeway, 625 E. Cherry Street and owner of the property to the North addressed the Board. Mr. Jakeway stated that although he was initially hesitant about the project, his main concern is with the inequity of the current zoning map, and the arbitrary line designed to keep students south of High Street. Mr. Jakeway spoke of the significant growth in CMU enrollment and the need for more of these developments to encourage students to remain in the City rather than in the township. Mr. Jakeway indicated students desire to live between campus and downtown, and within walking distance to campus. He asked that the Zoning Board ask the Planning Commission to take a look at the zoning map and update it to meet the current environment. Mr. Jakeway spoke of the recent discussions regarding traffic concerns on Mission Street, and suggested allowing these types of developments could help alleviate some of that problem by encouraging students to live in this area. Mr. Jakeway also stated that as a developer himself, he knows how expensive it is to tear down a building and rebuild and there is no way for a developer to do this without the extra revenue an extra tenant would generate. He further indicated the parking area suggested is sufficient for cars to maneuver, and feels that pulling the building out into the front setback is a much more desirable design as it keeps all the vehicles in back and out of sight. Mr. Jakeway ended by stating that feels it is the right thing for the City to approve this project as drawn up and to encourage this type of development to get students living in a new, safe, well-planned development.

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

Kench shared the correspondence received regarding Case 06-2009 as follows:

- E-mail received from Jeff Jakeway, initial e-mail voiced concerns, with a following e-mail voicing approval and support.
- Letter from Betty Tyler, against the project.
- Information request received from Jerome Porter
- E-mail from Mike Murray, owner of 121 W. High, in support of the project.
- E-mail from Nancy McGuirk in favor of the project.

- Phone call from Carl Breyer, owner of 805 S. Main, in support of the project.
- Request for information from Joneil Cook – against the project.
- DPW – stating requirements if project is approved.

Board Discussion:

Kulick stated that based on the comments heard at the Public hearing, he would suggest removing part or all of the planting area directly behind the building, and moving the building back to get it within 1 ft of the ordinance requirement. Discussion also took place on eliminating part of the greenspace along High Street to widen the parking lot aisle way to improve maneuverability; however, consensus was that the proposed aisle way was sufficient for this type of development.

Kulick suggested that there may be a need for a guardrail along the south property line parking area to help protect the screening fence.

White stated that it was pretty much agreed that the project is aesthetically pleasing and would be a great house for a sorority, however, expressed concerns that this project would have a negative impact on the neighborhood. He further stated that he does not feel that the zoning regulations are excessively restrictive and that they should look at the population density of this area and although he understands the request for the additional tenant, questioned whether there was a way to reduce the size of the building and the cost of the development so they wouldn't need to increase the occupancy. Mr. Olivieri stated he couldn't make the numbers work with one less tenant – that this project was too expensive.

White indicated he would rather find a way to be flexible on the parking rather than the setback and greenbelt, and also stated the visibility on that intersection is bad enough and feels that adding to that would be detrimental.

Kulick asked if Olivieri could eliminate the planting area behind the building and move the building back to the west. Olivieri suggested narrowing the entry off High Street from the proposed 20 ft. to 16 ft., and eliminating 2' of the planting area, thus eliminating the need for a front yard setback. Kench indicated that 20' driveway width was required and if the applicant wished to make that modification to the site plan it would require a variance from that section of the ordinance. Olivieri stated he would prefer moving the building back because he has irrigation in place in the front.

Motion by Kulick and supported by Rowley to postpone a decision and request a revised site-plan showing a 16 ft. driveway opening and removing 2 ft. of the greenbelt behind the building, allowing the building to be moved back. Motion to postpone carried.

It was also suggested that we may want to obtain an opinion from MDOT and the traffic engineer regarding the impact on traffic.

Case 08-2009, 915 W. Broadway.

Kench called the applicant for **Case 08-2009 – 915 W. Broadway**, to the podium. Kench explained that because there were only four voting members present, the applicant could request their case be postponed.

Ted Orwig, owner of the property at 915 W. Broadway, addressed the Board as the representative for this case, asking that the Case be postponed until the October 28 meeting.

Case 09-2009, 1358 S. Crawford.

Kench stated that he had spoken with Bruce Gartner, appellant for Case 09-2009 prior to the meeting and Mr. Gartner asked that his case be postponed until the October 28 meeting.

VII. Other Business:

Kulick asked Board members to read an article from the September issue of Planning & Zoning News entitled “Integrating Information Technology into Planning and Zoning”, in particular, item #4, “The digital approach to findings of fact and conditions.” He would like to include discussion of this article in next month’s agenda.

VIII. Adjournment

Motion by White and supported by Rowley to adjourn. Motion carried unanimously.
Meeting adjourned at 8:09 p.m.