

Mt. Pleasant Zoning Board of Appeals
Minutes of Regular Meeting
April 28, 2010

Chairman Kulick called the meeting to order at 7:01 p.m.

I. Roll Call: Board Secretary Kench called roll.

Members Present: Benison, Brockman, Ellertson, Kulick, Olivieri, White

Others Present: Kench, Murphy, Appellant

II. Approval of Agenda:

Kench reported that the applicant for Case 01-2010 has requested a postponement for 30 days to allow him to complete some revisions to his plan. Chairman Kulick expressed appreciation to the applicant for not bringing new plans the night of the meeting. Chairman Kulick further asked if it would be possible for the applicant to show his calculations on the increase in taxes due to the uncapping of the property.

Commissioner Brockman questioned whether the applicant would be requesting a special meeting. Chairman Kulick stated that generally if there is a request for a special meeting, staff will contact Board members to determine if it is possible to get a quorum. If so, then a special meeting can be held, otherwise, the case would be postponed until the next regularly scheduled meeting. The applicant has not requested a special meeting at this point in time.

Motion by Brockman, support by Benison to approve the agenda with the amendment to postpone Case 01-2010 until the next regular scheduled meeting. Motion approved unanimously.

III. Approval of Minutes from March 24, 2010:

Motion by Brockman, support by White to approve the minutes from March 24, 2010, as written. Motion approved unanimously.

IV. Communications:

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

V. Public Comments:

Chairman Kulick opened the floor for public comments. There being no one who wished to address the Board, Chairman Kulick closed the public comment session.

VI. Public Hearings:

Chairman Kulick explained board proceedings and noted that a quorum was present.

1. **Case 04-2010** - A request for a variance from **Section 154.095 –Gary Sych/Wally Link**. Applicant is requesting a side yard variance to allow the construction of a warehouse/cold storage building to be built 15 feet from the property line.

Kench stated that the property is zoned I-Industrial, which requires a 30 foot side-yard setback; however, the applicant would like to reduce the setback to 15 feet to provide a wider access for incoming/outgoing traffic. Kench reported that the applicant was granted a variance and received site plan approval for this project in 2004. The applicant chose not to proceed with the project at that time and the approvals have since expired. Kench stated that the revised plan is consistent with the proposed 2004 project. Kench stated that there is a building currently being razed on the site to make room for the proposed new building. In addition, there is an existing office building on the site that will remain. Kench stated that the site has adequate parking for the proposed use.

Gary Sych, representing the owner of the property addressed the Board. Mr. Sych indicated that currently the proposed building does not have a tenant, however, assured the Board that the use will comply with the zoning requirements for Industrial zones.

Chairman Kulick asked if it would present a hardship if they moved the building to maintain a 30' setback. Mr. Sych indicated that moving the building to comply with the 30' setback would hamper traffic flow in and out of the site, therefore they are requesting the variance.

Commissioner Benison asked about the height of the building, and further asked for clarification on the applicant's comment regarding meeting Brownfield Criteria. Mr. Sych stated that the site was determined to be a Brownfield in 2004/2005. The older buildings are to be eliminated due to potential contamination. Chairman Kulick commented that the buildings that were and are being demolished were determined to be functionally obsolete and provided some background information on Brownfields.

Commissioner Brockman questioned whether there had been any contact with the owners to the south of the property. Mr. Sych stated that although there are some residential uses to the south, there is also a 16 ½ foot strip of vacant property between the south property line and the neighboring residential uses, which is owned by someone in California and which has a storm sewer running through it. He stated that even with a 15 ft. setback, there will be over 30' distance between the proposed building and the property to the south that is currently a residential use.

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

Kench reported the only communication we had received was from the Fire Department, who indicated no concerns with the proposed project.

Board Discussion:

Commissioner Ellertson expressed that he was pleased to see development at that location.

Chairman Kulick commented that the ordinance requirement of 30' setbacks on all sides in the Industrial Zone is not practical on many of these lots north of Fancher. If a developer maintains the 30' setbacks as required, many of the lots would leave no room for development. He suggested that it might be beneficial for the Planning Commission, as they have time, to look at a possible change to the ordinance to reduce the setback requirements in Industrial zones.

Commissioner Benison suggested requiring a greenbelt buffer on the south side of the property. Chairman Kulick stated it would be appropriate include additional landscaping requirements in the motion if the Board wished.

Motion by Benison, support by Brockman to grant the variance request to reduce the side-yard setback from 30' to 15', subject to all DPW and DPS requirements and with the establishment of a greenbelt along the south property line subject to Site Plan Approval.

Motion approved unanimously.

XII. Old Business:

None

XIII. New Business:

Chairman Kulick stated that this may be an appropriate time in the meeting to make a request to the Planning Commission to have them look at the Ordinance language for I-Industrial Zoning districts as time permits. Kench suggested having our cross-over member, Commissioner Brockman, take the comments back to the Planning Commission for discussion.

XIV. Adjournment:

Motion by Olivieri, support by Benison to adjourn. Motion approved.

Meeting adjourned at 7:33 p.m.

bam