

Mt. Pleasant Zoning Board of Appeals  
Minutes of Regular Meeting  
February 24, 2010

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

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

Members Present: Benison, Brockman, Ellertson, Kulick, Olivieri, White  
Others Present: Kench, Appellant

**II. Introduction of New Board Member:**

Secretary Kench introduced Tim Brockman, who will be serving as the cross over member between the Zoning Board of Appeals (ZBA) and Planning Commission (PC).

**III. Recognition of Service: Kim Ellertson and Norm Curtiss**

Secretary Kench recognized and thanked outgoing Board member Norm Curtiss, who served on the ZBA from January 27, 2003 through January 31, 2010, the last year serving as Chairperson. Kench further recognized Commissioner Ellertson who served on the Planning Commission from January 27, 2004 through January 31, 2010, the last two years as the cross-over PC/ZBA Board member. Commissioner Ellertson will continue to serve on the ZBA.

**IV. Election of Officers**

Nomination by Benison to elect Kulick as Chairperson. Motion passed.  
Nomination by Ellertson to elect Benison as Vice-Chairperson. Motion passed.

**V. Approval of Agenda:**

Motion by Brockman, support by Benison to approve the agenda. Motion approved unanimously.

**VI. Approval of Minutes from December 23, 2009:**

Motion by White, support by Benison to approve the minutes from December 23, 2009, as written. Motion approved unanimously.

**VII. Communications:**

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

**VIII. 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.

## **IX. Public Hearings:**

Board secretary Kench explained board proceedings and noted that a quorum was present.

Commissioner Ellertson asked to remove himself from Case 01-2010 due to a conflict of interest.

- A. Kench introduced **Case 01-2010 – 1023 & 1025 S. Washington:** A request for a variance from **Sections 154.095 and 154.095(E)** of the Zoning Ordinance. Kench explained that this case involved two properties. The applicant is proposing the demolition of the existing structures, with two new structures to be built to be used as rooming dwellings. The applicant is asking for an increase in the allowable occupancy for each site for a total occupancy of 12 (6-6), with shared drive and parking. The applicant is also proposing a front setback of 11 feet where 20 feet is required by ordinance. Kench referred to the ordinance language which would allow an open, unenclosed or uncovered porch to project into a front yard for up to six feet for an allowed set-back of 14 feet. Kench stated that rooming/boarding dwellings are an allowed use in an M-2 zoning district, with a Special Use Permit and Site Plan Review. Kench further stated that although the ordinance allows some flexibility to conform to existing adjoining front yard setbacks, the neighboring properties are near the 20 foot requirement for the district.

Kench presented the case based on the materials submitted by the applicant, noting that a new site plan and building designs by Lorenz Surveying & Engineering had just been presented to the Board at the beginning of the meeting, which staff has not had the opportunity to review.

Kench explained that the sites currently conform to the ordinance with each of them being licensed for 4 occupants and each providing 4 parking spaces. Based on the size of the lot, the applicant could increase occupancy on each lot to 5 occupants without a variance; however, the applicant is requesting a variance to allow 6 occupants on each site.

Kench stated that the new homes would provide parking at a 1:1 ratio, meeting ordinance requirements. Kench stated that if the applicant were to join parcels with multiple buildings, ordinance would then require an increase in the side yard variance to equal the height of the building. Based on the project involving separate parcels, the side yard setback is not an issue.

Kench reminded the Board that although the applicant has been granted variances on other properties he owns in the area, these properties were non-conforming and in each case, the Board determined that allowing the redevelopments reduced the degree of non-conformity on the sites. Kench explained that this case differs in that the site currently is a conforming site and granting a variance would make this site non-conforming.

Kench referred to the concept supported by the Planning Commission to allow reasonable increases in occupancy to encourage better developments (better use of design and upgraded building materials), and suggested the Board refer to a recent case at 802 S. Main Street as an example of how the applicant for that case used brick masonry, architectural details consistent with the neighborhood, etc. Kench suggested that the proposed redevelopment is inconsistent

with these policies which were established by the ZBA and Planning Commission to encourage better development; therefore if the Board considers granting this variance, they should give additional consideration to requiring additional architectural features and upgraded building materials as well. Kench further indicated that with slight adjustments to the proposed building design, the applicant could redevelop the site for 5 occupants each without the need for a variance.

Jeff Jakeway, applicant for the case, addressed the Board. Mr. Jakeway presented a PowerPoint presentation that is attached and will become a part of the minutes. Mr. Jakeway stated his goal is to build safer, more energy efficient, and upgraded buildings, with upgraded water/sewer, hard-surfaced parking, and improved appearance. The sites he wishes to redevelop would have a shared driveway.

Mr. Jakeway shared pictures of the existing sites, noting the deteriorating condition of the roofs, foundations, windows, basements, along with the heating, plumbing & electrical systems, etc. He further commented on the current parking situation, which requires occupants to back out onto Washington Street.

Mr. Jakeway shared pictures of some of his recent developments, along with examples of homes where the parking is in front of the house. He stated that by bringing the buildings forward on the lot, it allows for the parking to be located in the rear, making for neater looking developments.

Pete Lorenz, of Lorenz Surveying and Engineering, addressed the Board on behalf of the applicant, explaining that they had prepared four options for the Board to review. (*Information provided the night of the hearing*)

- Option #1 includes the site plan that was submitted with the application.
- Option #2 puts the porches on the side of the structures, therefore increasing the proposed front setback to 18'.
- Option #3 has one building with the entry on the side and one on the front.
- Option #4 – same as Option 3, but with added architectural features, such as false gable, brick veneer, etc.

Chairman Kulick asked why the applicant has not considered combining the parcels and building one townhouse. Mr. Jakeway stated he prefers stand alone single structures as does his student market.

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

Board Discussion:

Chairman Kulick stated the Board has several variances to consider with this request.

Commissioner Benison indicated he would be more inclined to grant a setback variance if

occupancy was held at five per site.

Chairman Kulick stated that if the applicant went with five occupants per site, they wouldn't need a density variance. Commissioner White added that with five occupants, the buildings could be reduced in size, which would potentially eliminate the need for a setback variance. He further stated that he feels two houses fit the character of the neighborhood better than one townhouse.

Chairman Kulick stated that the City did zone the property to allow higher density, however, added that he feels there is too much being requested.

Kench reminded the Board that the site is currently in compliance with the Zoning Ordinance based on occupancy and parking and the current setback is relatively close to required front setback for the district.

Commissioner Brockman asked for clarification on the number of parking spaces on the site plan. Kench stated there are 12 – with one of the spaces located along the driveway.

Commissioner Brockman asked Mr. Jakeway if he could reduce the square footage of the buildings to house five occupants to meet the ordinance.

Jakeway stated he could, however, he would need to change his floor plan and stated this is not what the market demands. He further indicated that to make the project feasible he needs 6 occupants per site. He further stated that the proposed floor plan works for him.

Commissioner Olivieri stated that his stock plan may not work on this site and suggested the building be shrunk to 1800 square feet to meet setbacks. He further stated he just went through this process and reduced his building size to meet setback requirements.

Mr. Jakeway stated that he understands that the project has to work for the city, but it needs to work for him and the students as well. He further stated he feels the degree of variance needed is minor compared to Commissioner Olivieri's project. He further reminded the Board that he had spoke in favor of the request at 802 S. Main. Chairman Kulick stated that there are a variety of differences in each case and the ZBA looks at each case separately.

Chairman Kulick pointed out that based on Section 154.054 of the ordinance, in M-2 zones, a minimum of 25% of the total square feet of the rear and side yard areas shall be retained in open landscaped areas and not used for parking and asked if the applicant is able to meet this requirement. If not, other variances may be needed if the Board is to consider an increase in occupancy.

Motion by Benison, support by Brockman to postpone Case ZBA-01-2010 to allow the applicant to provide the calculations to show that they will comply with the 25% land area in reserve based on the occupancy. In addition, the applicant is requested to submit a new plan showing a design for five bedrooms having an overall size of 1,800 square feet on a revised site plan, along with updated building design to incorporate architectural detail consistent with the neighborhood.

Commissioner White asked Chairman Kulick what the impact of the 25% determination would be – would it change his view of the project. Chairman Kulick responded that if the 25% could not be met, it would mean the applicant would require an additional variance.

Discussion took place on if the variances are granted; there may be a need to add a stipulation that a cross easement agreement be recorded for the shared driveway and parking and made permanent unless brought back before the Board.

Chairman Kulick called the motion to postpone:

Motion approved unanimously.

Commissioner Ellertson rejoined the Board.

**X. New Business**

None

**XI. Other:**

Kench reported that the Census Committee is working on getting the word out on the importance of turning in census forms. Chairman Kulick reiterated the importance of the census, stating that if the count drops below 25,000, the City loses \$1,000,000 of street dollars for the community.

**XII. Adjournment:**

Motion by Ellertson, support by Brockman to adjourn. Motion approved.

Meeting adjourned at 8:11 p.m.

bam