

Mt. Pleasant Zoning Board of Appeals
Minutes of Regular Meeting
June 23, 2010

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

I. Roll Call: Kench called roll.

Members Present: Benison, Brockman, Ellertson, Kulick, Rowley, White
Members Absent: Olivieri
Others Present: Kench, Murphy, Appellants

II. Approval of Agenda:

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

III. Approval of Minutes from May 26, 2010:

Motion by Brockman, support by Benison to approve the minutes from May 26, 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 stated the Board would be hearing three cases and explained board proceedings. Chairman Kulick noted that a quorum was present.

Case 07-2010-1408 S. Mission - A request to increase the allowable signage for MC Sports, which is currently undergoing façade improvements along with expansion and renovations of the space.

Kench explained that the property is located in a C-3 zoning district, and the use is an allowed use. The property is surrounded on three sides by commercial properties, and borders CMU property to the west. Kench stated the future land use is designated commercial. Kench explained that there is no change in the footprint of the building and the request is to increase the allowable wall signage. Kench referred the board to the revised drawings submitted by the applicant, showing the appearance of the building if they comply with the ordinance, and the appearance if they are granted a variance to increase the signage. Kench explained that ordinance permits signs not to exceed one square foot per lineal foot of

the building front, up to a maximum of 100 square feet. The applicant submitted a request for a variance to allow 189 square feet of signage; however, the prior to the meeting, the applicant provided updated illustration showing a reduction in the initial request to 142 square feet and another showing the design at 100 square feet that met the zoning requirements.

Jerome Fine, Associated with Bobenal Investments, owner of the property, addressed the Board. Jerry Cline, with MC Sports, was also in attendance to address questions from the Board.

Mr. Fine stated that originally the store had 100 ft. of lineal frontage. In the course of remodeling and expansion they have taken over additional frontage. Mr. Fine stated that in discussing the request with MC Sports, they have proposed a revised request, asking for signage of 142 square feet. Mr. Fine stated that the new request is more in line with the intent of the ordinance, and keeps the signage within the 1:1 proportion. Mr. Fine further stated that if the store frontage was split between two tenants, they would be allowed 146 square feet of signage. He further stated that both MC Sports and Bobenal Investments are spending money to keep this business within the city, and with the improvements and expansions that are underway, it will not only increase the city's tax base, but will create more jobs. Mr. Fine stated that to be successful, there needs to be a partnership with MC Sports, Bobenal Investments and the City.

Chairman Kulick asked for clarification on the other tenants in the shopping center. They were listed as Sears, Mennas Joint and Sherwin Williams.

Commissioner Ellertson asked if the other tenants were all in compliance with the ordinance. Kench indicated they were.

Commissioner Brockman asked how the proposed sign compares to the banner that is currently on site as a temporary sign. It was stated that the size is comparable; however the banner has extra wording.

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

Kench shared that the only correspondence received was from the Department of Public Safety, who indicated no concerns with the request.

Board Discussion:

Commissioner Benison asked where the 100 square foot limitation came from and if it was a reasonable number, and whether it considers the proportion of the signs to the building. Chairman Kulick stated the Board needs to consider if the ordinance is doing what we want it to or if it needs to be looked at. He further stated that the applicant has reduced his request down by approximately 40' and in his opinion; the 142 square foot sign doesn't look bad.

Commissioner White stated he feels this is an excellent example of the ordinance needing to be looked at and stated he was part of a sign committee that was formed in 2008. The Committee conducted some research on other communities, looking at areas that maximized building signs and reduced the pylon signs, with the focus on lower profile street signs and increased landscaping. He referred to shopping centers being allowed one plaza sign at the street level, with individual businesses then maximizing their store signage. He indicated he feels it's time for Mt. Pleasant to move forward.

Commissioner Rowley stated that the 142' request falls within the 1:1 ratio, without the 100' cap. She indicated she appreciates the change brought forth by the applicant and feels the signage gives good presence and looks nice.

Commissioner Brockman asked if the applicant was considering expanding the façade improvements and if so, would the other tenants also be requesting bigger signs. Mr. Fine indicated that they would likely be considering doing the entire façade to match the new façade at MC Sports, however feels this is a positive thing, rather than a minus. He further stated that none of the other tenants have close to that much frontage, and that their signs are all in proportion to their frontage.

Commissioner White expressed concern that by allowing increased signage they would open the floodgates for more requests. He stated the Board needs to look at the conditions and whether they justify granting the variance.

Commissioner Benison asked the applicant if there were any modifications planned for the existing pylon sign. Mr. Fine indicated he could not commit to that at this time.

Commissioner Ellertson questioned whether there are unique circumstances with this request that justify granting the variance.

Discussion ensued regarding shopping centers vs. stand along stores. Chairman Kulick stated that when the ordinance was designed there weren't many storefronts within shopping centers that had that much store frontage. He further stated that a stand-alone store would be permitted to have 200 square feet of signage, and reiterated that it is not common for shopping centers to have one store with over 100 square feet of frontage, making this site somewhat unique.

Motion by Brockman, support by Benison to approve the variance request to allow 142 square feet of building sign, based on the finding that most shopping center tenants within the City are under the 100 square feet of frontage, making this is a unique site. The Board also took into consideration that an increase in signage was tied into the new exterior improvements currently underway which better fit the proportions of the new façade.

Motion approved 5:1, with Commissioner White voting no.

Case ZBA-08-2010 – 1280 N. Fancher – A request to allow a second driveway access onto Fancher Street within the required 100 foot separation distance.

Kench reminded the Board that this site was granted a side yard setback variance in April to allow a new 8,400 square foot warehouse building to sit 15 feet from the property line. The project is currently under construction. The applicant has asked for approval to revise the plan to include a second drive off Fancher Street, with an overhead service door on the west elevation. The applicant has also added another overhead door on the north elevation, which required reconfiguration of the parking area. The number of parking spaces remains the same. The applicant is requesting a variance under Section 154.125 D of the Zoning Ordinance to allow a second drive access within the 100 foot distance. Kench stated the property is zoned industrial, with the surrounding properties also zoned industrial. There is currently a non-conforming residential use to the south of the site property.

Wally Link, owner and developer, addressed the Board. Mr. Link stated that the 2nd drive is a service drive only; all customers will use the north drive to enter the parking area. Mr. Link stated the offices and the entry are also on the north end. Mr. Link explained that they have removed the old building from the site and have added additional stonework to the building façade, along with decorative shake-type shingles on the peak. He further stated that both drives combined total a width of 44', whereas the single drive that was previously on site was 161'.

Commissioner White asked why they needed the 2nd bay. Mr. Link indicated it would be for loading and unloading.

Chairman Kulick asked if there would be semi trucks loading and unloading and if they would hang out into the street. Mr. Link indicated that primarily the trucks are pickups and one-ton trucks, however there are occasional semi trucks that will be unloading, but they would unload on the north side/parking-loading areas.

Chairman Kulick asked if there would be sufficient room in the building for the trucks to turn around. Mr. Link stated that the trucks generally back in and pull straight out; therefore there is no need for them to turn around.

Chairman Kulick indicated that Mr. Link has done a very nice job with the developments on the North end. He further stated that the ordinance limits the number of drives to prevent issues such as we are facing on Mission Street, however, suggested that North Fancher traffic is pretty low volume. He suggested there may be ways for the applicant to design the drive so that it is obvious it is not the main drive to assure low volume use. Commissioner Ellertson stated that he has visited the site, and it is pretty obvious that this is a service drive, not one you would think you should use.

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

Kench shared that the only correspondence received was from the Department of Public Safety, who indicated no concerns with the request.

Motion by Brockman, support by Rowley to approve the request to allow a second driveway within 100 ft., based on the relative narrowness of the lot size, the low volume use (service drive) of the proposed second drive and the low traffic counts on Fancher Street.

Motion approved unanimously.

ZBA Case 09-2010 – 517 S. Washington – A request for a variance to reduce the 25 feet required rear yard setback to approximately five feet to allow an addition to be constructed on the existing home.

Kench explained that this is a corner lot, and although the home is addressed off Washington Street, by definition of a corner lot, the narrower frontage along Maple Street is considered the front property line for the purpose of determining setback requirements. As a result, the north line is considered a rear lot line.

Kench explained that the addition would maintain the north line of the existing building, which sits approximately 5 feet off the property line. Kench further stated that the adjoining site has a building which sits on (possibly over) the property line.

Mike Fox, potential contractor for the project, addressed the Board. Mr. Fox indicated that the addition would increase the size of the kitchen and extend the carport. He further indicated that the addition would not project any farther into the north side than it currently is, they would simply maintain the existing line.

Chairman Kulick stated that when the house was built the ordinance requirements were different and looking at the surrounding lots, they appear to be narrow lots and it appears that many of the rear yards lack the required setbacks.

Commissioner Benison asked if the north part of the addition would be primarily carport. Mr. Fox indicated it would, with the kitchen addition on the southern part of the proposed addition.

Commissioner Benison asked if the entire addition could be shifted to the south. Mr. Fox stated that is was possible, but it would look more uniform to continue the line of the building.

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

Kench stated the only correspondence received was from the Fire Department, which he read into the minutes as follows:

- The Fire Department would like to point out that this is an extreme fire hazard due to the close proximity of the two structures. This can create an exposure problem if one structure is on fire for the property next door. Because this is existing, we do not oppose this addition, however in the future we would not support having this

condition granted for new construction.

Board Discussion:

Chairman Kulick asked Kench if the Building Code would require anything special based on the close proximity to the neighboring building. Kench indicated the interior north wall would be required to be dry-walled. Chairman Kulick suggested that if the Board chooses to approve the request, that they require that the existing carport's north wall be dry-walled as a condition for approval. He further stated that this is what we (City) want to see – owner occupants investing in their properties.

Motion by Ellertson, support by Benison to approve the rear yard setback variance to allow the addition to be built, maintaining the existing 5 ft. setback, based on the shallowness of the lot, and the setback issues created with the corner lot, with the condition that the north wall of the carport be dry-walled for fire safety.

Motion approved unanimously.

VII. Old Business: None

VIII. New Business:

Commissioner Benison suggested having the Planning Commission review the sign ordinance, in particular the 100' cap placed on shopping center occupants.

Commissioner Brockman asked if there is a report from the sign committee. Commissioner White stated he would get a copy of the report and the findings of the committee.

Commissioner Brockman stated that it seems that developers are willing to come to the city and are working with city staff to get better developments. He commented that they are making compromises with the city before coming to the Board/s and feels we need to make sure they aren't being told one thing and then the Boards make them do something different. He further commented that the Planning Commission has given staff some discretion is dealing with some of the smaller issues. Chairman Kulick commented that the Zoning Board is limited in this regard, stating that they are required to rule based on hardships or uniqueness of the sites.

IX. Adjournment:

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

Meeting adjourned 8:45 p.m.

bam