

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

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

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

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

Others Present: Kench, Murphy, Appellants, Community members

**II. Approval of Agenda:**

Chairman Kulick requested Communications be added as Agenda Item IV. and Public Comments be moved up to Agenda Item V. Agenda approved with these changes.

**III. Approval of Minutes from February 24, 2010:**

Motion by Benison, support by Brockman to approve the minutes from February 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.

**Case 02-2010 – 2150 JBS Trail:** Kench introduced case 02-2010, explaining that this was a request for a side yard variance to allow a 2,500 square foot addition to an existing industrial building to allow a 24.5 foot setback, where 30' is required by ordinance. Kench explained that the applicant has an interest in both the site property and the adjoining property.

Commissioner Benison asked what the applicant's interest was in the adjoining property.

Jim Kremsreiter, applicant and owner of the site, explained that the adjoining property is in dual ownership, with him controlling 75% of the property and his partner 25%.

Commissioner Benison asked if the applicant had contemplated other configurations to avoid the need for the variance.

Mr. Kreamsreiter stated that considering the proposed use of the building, this site made the best use of the building.

Chairman Kulick asked if the applicant would be opposed to a stipulation that if future additions were to be considered on the adjoining property, that a 60' clearance between buildings would need to be maintained. Mr. Kreamsreiter assured the Board that both he and his partner would not have a problem with that stipulation.

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

Motion by White, support by Benison to grant a variance to allow the proposed addition to be built with a set-back of 24'6" provided that no building on the adjoining site be built closer than 60' to maintain the required distance between buildings.

Commissioner Benison questioned whether the applicant could locate the addition on the west side and shift the parking. Mr. Kreamsreiter stated that this would cause some problems with the location of the dock. Chairman Kulick observed that the distance was pretty equal on both sides of the building; therefore, shifting the addition to the other side wouldn't gain anything.

Commissioner Brockman questioned whether the stipulation would hold if the property was sold. Chairman Kulick stated that the stipulation would run with the property; therefore, even if it was under new ownership, the 60' would need to be maintained.

Chairman Kulick called for a vote on the motion. Motion was approved unanimously.

**Case 03-2010 – 306 S. University:** Kench introduced Case 03-2010, explaining that this case involves a request to reduce the required side-yard setback and to reduce the required number of on-site parking provisions for an office use. Kench explained that the property is owned by the Mt. Pleasant Area Community Foundation, after being donated to the organization by the Hersee family. The applicant is proposing a small addition to house an elevator and barrier free access, which would encroach on the required side yard setback. In addition, the applicant is requesting relief from the parking requirements for offices located in the OS-1 district. Kench stated that per ordinance, the site would require 16 on-site spaces. Due to the operation only employing two full-time employees and one part-time employee, they are requesting relief from this requirement. Kench stated that Section 154.123 of the ordinance allows for a variance provided space accommodates 1 ½ cars per employee. Kench further stated that any variance granted would run with this particular use, and if the property was sold in the future, any new use will need to come back before the Board.

Chairman Kulick questioned whether the property was in the downtown parking assessment area, as those included in this area pay a special assessment fee each year for use of those lots.

Kench indicated he wasn't sure, however, stated that there are several parking sites available, not only in the lots, but along the streets as well.

Bob Long, Mt. Pleasant Area Community Foundation, addressed the board. Mr. Long stated he is the chairperson for the renovation committee. Mr. Long stated that the offices are currently located downtown. The Hersee house was donated to the foundation for use as office space.

Tim Bebee, representing the applicant, addressed the Board. Mr. Bebee stated that if the Foundation were to build new offices, they would not build them this large and would therefore, not need a variance. Mr. Bebee stated that the Foundation currently only has approximately 2-3 people, other than the employees, coming in each week. Based on this, they do not see any need for additional staff in the foreseeable future; therefore, the parking is more than adequate. Although there are occasional meetings, there is adequate parking along the street and nearby city lots to accommodate the additional vehicles. Mr. Bebee further stated that discussions with the neighboring properties indicated no objections to the requests.

Mr. Bebee stated that when developing the plan, they looked at various options and felt this option had the least impact, and was the best for structural purposes, and allows for the easiest accessibility for barrier free requirements. Mr. Bebee stated that there were requirements, or restrictions, placed on the "gift" which prevents modifications on some of the rooms, limiting placement of the proposed elevator.

Commissioner Ellertson asked for clarification on how much space the Foundation would use. Mr. Bebee indicated the renovations call for 5 offices. This will allow additional office space for a member of the Foundation to come in occasionally. Commissioner Ellertson asked if there were plans to rent out part of the building. Mr. Bebee stated that the gift stipulates they cannot rent space.

Commissioner Rowley asked for clarification on how many barrier-free parking spaces were indicated on the site plan. Mr. Bebee stated there was one barrier free space, which is the number that is required.

Commissioner White asked what the addition would look like, in comparison to the existing building. Daryl Herbruck, Architect, stated the addition would be made to match the existing building as much as possible.

Commissioner White asked about the lack of green space in the back and questioned whether there was a better configuration for the proposed parking area. Mr. Bebee indicated the parking was designed to prevent cars from having to back out into the alley, based on Planning Commission input on past cases.

Communications: Kench shared the communications received with the Board. Letters of support were received from the neighboring properties on the South and North sides (Helms Funeral Home to the South and Law Offices to the North). In addition, the Department of Public Safety expressed no concerns with the proposal.

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

Board Discussion:

Commissioner Brockman stated that his initial concerns regarding the neighbors have been addressed, as they have voiced support. He further stated that the Foundation has been operating in the downtown with no on-site parking; therefore he does not feel parking is an issue. In addition, he stated that the building was not originally designed to be a 3200 square foot office space, and feels the applicant has done a good job of blending the addition with the existing building.

Chairman Kulick suggested that the Board could place a restriction that if there comes a time when the number of employees reaches 6, that they petition the city to be included in the special parking assessment area. At this point in time, he does not feel like this is an issue, and the ordinance gives the Board the latitude to grant the variance. Chairman Kulick further reiterated that the applicant has the support of the property owners who would be most affected by the request.

Commissioner White indicated he has no problem with the request, as the property was donated from the Hersee family and is more square footage than they need. In addition, he stated he feels the final product is in line with the integrity of the home and surrounding neighborhood.

Board discussion included the fact that the integrity of the existing structure and surrounding neighborhood is being maintained. In addition, meeting the provisions of the Michigan Barrier Free act is an asset to the community. The Board also acknowledged that the Foundation would not have asked to build this large of a structure had it not been generously donated to them by the Hersee family, and acknowledged that the limitations placed on the gift, which limits where they can place the addition, has created a hardship. The Board also commented that the operations of the Foundation are consistent with the character of the neighborhood.

Commissioner Ellertson voiced approval of the variances, stating this would make the building more productive. He did state; however, that he feels the Board needs to maintain consistency when granting variances.

Chairman Kulick stated that if the property were zoned C-2, they would not need a parking variance, due to the proximity of the city parking lots; however, because they are zoned OS-1, the variance is required.

Motion by Brockman, support by Ellertson, to grant a variance to allow 6 on-site parking spaces as proposed, with the stipulation that if the number of employees increases to six, then the foundation be included in the special parking assessment area. In addition, based on the hardship identified in Board Discussion, and as the record shows adequate distance between the proposed addition and neighboring buildings, motion to approve the set-back variance request as proposed, allowing a setback of 2.2 feet to the property line.

Motion approved unanimously.

**XII. Old Business:**

Kench stated that Case ZBA-01-2010, which was postponed from last month's meeting is expected to be on the April agenda.

**XIII. New Business:**

None

**XIV. Adjournment:**

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

Meeting adjourned at 7:55 p.m.

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