

Mt. Pleasant Zoning Board of Appeals  
Minutes of Regular Meeting  
October 27, 2010

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

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

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

**II. Approval of Agenda:**

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

**III. Approval of Minutes from September 22, 2010:**

Motion by Brockman, support by Ellertson to approve the minutes from September 22, 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 ZBA 12-2010 1001 S. Main and 104 E. Gaylord** – Request for a variance to increase the allowable occupancy for a new Registered Student Organization (RSO) dwelling unit based on the available land area from 10 occupants to 12.

Kench explained that this request involves two sites that will be joined into one parcel, with the existing buildings being razed and replaced with one building. Currently the combined sites are licensed for 11 occupants; 6 at 1001 S. Main and 5 at 104 E. Gaylord. Kench reported that the properties are zoned M-2, as are the surrounding properties, stating that the M-2 zoning district provides for rooming/boardings dwellings and RSO dwellings under a Special Use Permit. If the Board approves the request, the applicant will then proceed to the Planning Commission for a Special Use Permit and Site Plan Approval.

Kench reported that the parking on the site will be required to be hard surfaced and the applicant has indicated 14 spaces on the site plan. Currently there are 6 spaces available for 11 tenants. Based on the site plan provided, the applicant will meet the ordinance requirements for parking for a RSO, bringing the parking into compliance. The applicant has proposed placing a fence along the parking area facing Gaylord Street to help with screening. The parking area will be accessed off the alley rather than off the public streets. Kench further stated that the applicant will meet all setback and landscape requirements for the district and by combining the two parcels, will create a conforming lot out of two currently non-conforming lots. Kench stated that the proposed dwelling will provide the 300 square feet of building area per occupant, which will bring the sites into compliance with this requirement; however, the site lacks the 900 square feet of land area to accommodate 12 occupants. Based on the lot size, the ordinance would limit the site to 10 occupants.

Kench shared pictures of the current site, along with the proposed elevations. Kench also provided an illustration of the surrounding properties, noting the ratio of occupants per land area on each of the properties and suggested the Board take this information into consideration when making their determination to keep the occupancy consistent with current rental licenses in the area.

Kench stated that the applicant has attempted to bring in some of the architectural details from the surrounding neighborhoods and has incorporated some of the details from his recent redevelopment on Main Street.

Kench referred the Board to the information in their packets regarding code enforcement stops over the past five years to these sites.

Chairman Kulick asked for clarification on how many occupants the sites were currently licensed for. Kench stated they are currently licensed for a total of 11 and asked that the minutes reflect that there was a typographical error in the staff report that was in Board packets in regards to the occupancy.

Joe Olivieri, applicant, addressed the Board. Mr. Olivieri referred to the series of trade-offs he has offered in exchange for an increase in occupancy; such as eliminating three non-conformities in regards to parking, square ft. of building area per occupant, and lot size. Mr. Olivieri further commented that many of the code enforcement issues were related to parking and solid waste, both of which will be addressed with the new development.

Chairman Kulick asked Mr. Olivieri if he was proposing a dumpster or trash carts. Mr. Olivieri stated it is his belief that dumpsters do not work; they overflow and encourage illegal dumping. The new development will be required to use trash carts, which will have the addresses on them, and the tenants will be held responsible for them.

Commissioner Benison commented that the proposed fence will help define the parking area.

Commissioner Brockman asked what the property backs up to on University Street, commenting that many of the code enforcement issues encountered to the North have been at

sites that back up to single-family residential. Mr. Olivieri stated it is primarily student rentals surrounding this property.

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 that he drove down through the area and commented that the new developments over the past year have significantly improved the area; however commented that with the number of cases that have come to the Board recently, he questions whether it is time for the Planning Commission to amend the ordinance and lower the standard in regards to occupancy to encourage others to redevelop their properties, and suggested that the Planning Commission give more guidance and perhaps build something into the SUP process.

Commissioner Ellertson commented that the Board entered into active discussion during the case involving 802 S. Main Street, which resulted in a really fine project for the community. He stated that although there had been some reservation expressed by Board members at that time on granting that approval, he commented that he had hoped it would bring in comparable requests. Commissioner Ellertson stated he applauds the work that the developer has done on this project and feels this is a good trend.

Chairman Kulick asked Mr. Olivieri if he would consider adding some additional plantings/shrubbery along the fence to help break it up. Mr. Olivieri indicated he would be favorable to doing that.

Commissioner White stated that it's refreshing to have the request for only one variance and further stated that until the ordinance is looked at for possible changes, it makes sense to give incentives for these new developments. He further commented that he likes the project.

Commissioner Benison stated that he feels the reduction in the non-conformity in the other areas is a positive thing.

Motion by Brockman, support by Benison to approve ZBA-12-2010 to allow an increase in the allowable occupancy for a new RSO dwelling unit based on the available land area from 10 occupants to 12, with the stipulation that the applicant place additional plantings acceptable to staff along the Gaylord fence line.

Kench shared the correspondence received, which was included in board packets. Kench stated we had received an additional comment from the Fire Department with a recommendation for newly constructed Fraternity Houses. They recommend that due to the high number of fire fatalities associated with fraternities nationwide, that newly constructed Fraternity houses include a residential sprinkler system. Kench also reported Mrs. Hinkley,

1014 S. University, had expressed opposition to the request, citing the additional noise and parking problems associated with increased occupancy.

Chairman Kulick commented that he is comfortable not including a sprinkler requirement in the motion as it is not an ordinance requirement and it is a recommendation rather than a requirement from the Fire Department.

Chairman Kulick stated that the Board needs to also consider the basis for granting a variance, commenting that they would be eliminating three non-conformities to grant one. In addition, Chairman Kulick stated by allowing the redevelopment, the property would become uncapped. He further stated he believes there will be a decrease in code enforcement issues with the new development. Kulick further commented that if the request is not approved, the site will likely remain as it is, with less than adequate parking. He stated the new development would allow for better traffic flow, better parking conditions, and would improve the quality of the neighborhood. In addition, Kulick stated the drainage of the parking area would be improved as DPW standards would need to be met.

Commissioner Benison commented that he thinks one structure is a better use of the area.

Chairman Kulick called the question. Motion approved unanimously.

**Case ZBA-13-2010 – 1007 S. Main.** Kench stated that this case has been postponed.

**Case ZBA-14-2010 – 1029 S. Main -** Applicant is seeking approval to construct a two-unit rooming/boarding dwelling on a non-conforming parcel in the M-2 zoning district.

Kench explained that this is a legal non-conforming lot, which has been vacant since the razing of a building in 2007. The lot is 60' wide by 122' deep, giving it a total square footage of 7,320. Ordinance requires lots in the M-2 zoning district to be 8,000 square feet with a 66' width at the building line. Kench stated that if approved, the applicant will need to go before the Planning Commission to obtain a Special Use Permit and for Site Plan approval.

Kench stated that the parking and landscape requirements will be met, as well as all set-back requirements for the district. Kench commented that this site is somewhat unique in that the applicant owns the properties on either side of the lot. He has included additional parking in the proposed site plan to help with the parking for the site to the south. Kench stated that the site is actually one of the larger lots in the area; most of the surrounding lot sizes are smaller than the subject parcel. Kench stated that the alley is hard-surfaced and the parking area would be accessed off the alley, rather than off Main Street. Kench reported that all the properties in the immediate surrounding area are licensed as rooming/boarding dwellings or RSO's.

Chairman Kulick asked how far the proposed parking would be from the building to the south, stating he has some concerns with protecting that building. The north side of the proposed parking area abuts another parking area to the north, so he is not concerned with

that. He suggested adding some sort of bollards/curbs, etc. to help protect the building to the south.

Tim Driessnack, applicant, addressed the Board. Mr. Driessnack stated that the distance from the parking area to the building to the south is approximately 4-5 feet. He further stated that the occupants at that location are excited about the project as it will add parking spaces for them to utilize.

Mr. Driessnack stated that his proposal is to take a vacant lot and build something consistent with the neighborhood which will also be an addition to the tax base and will clean up some of the parking issues on the other two properties.

Commissioner Benison asked Mr. Driessnack what he intended to use for trash disposal. Mr. Driessnack stated his tenants would use trash carts, agreeing with Mr. Olivieri's statement that dumpsters encourage illegal dumping.

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

#### Board Discussion:

Commissioner White commented that the lots in this area are narrow and stated he also agrees with Chairman Kulick's comment regarding some sort of protection for the building to the south.

Commissioner Benison commented that the hardship is not self-created, that the applicant has no control over the width of the platted lots.

Chairman Kulick stated perhaps the Board may wish to recommend the applicant enter into a shared parking agreement with himself in the event the properties are sold, as the new development is putting in additional spaces to be used by the other properties. Commissioner Ellertson questioned whether this would be included on the property deed. Chairman Kulick commented that he would like to see it on the deed. Commissioner Ellertson asked the applicant to comment on this suggestion. Mr. Driessnack stated that he would prefer to not restrict his deed with parking easements and further commented that he would need to look into that before he would agree to it. He further stated that there is currently 5 additional parking spaces behind the building to the north and that the occupants would have assigned parking spots. Commissioner White commented that the applicant has met all his requirements for the development and will be improving the parking situation and did not feel that the Board should put that restriction on him.

Kench shared the communications from the Department of Public Works and Department of Fire Safety, which were included in Board packets.

Motion by Benison, support by Ellertson to approve the request to allow construction of a two-unit rooming/boarded dwelling on a lot that does not meet the 66' required width of the

zoning district, as the lot size is consistent with the surrounding lots in the neighborhood.

Motion approved unanimously.

**VII. Old Business:** None

**VIII. New Business:** None

**IX. Other Business:**

Commissioner White reported that planning for Dickens Christmas is underway and they are looking for entrants for the lighted parade. More information will be released in the near future.

**X. Adjournment:**

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

Meeting adjourned 8:10 p.m.

bam