

Mt. Pleasant Zoning Board of Appeals
Minutes of Regular Meeting
September 22, 2010

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

I. Roll Call: Kench called roll.

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

II. Approval of Agenda:

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

III. Approval of Minutes from June 23, 2010:

Motion by Brockman, support by Benison to approve the minutes from June 23, 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 two cases and explained board proceedings. Chairman Kulick noted that a quorum was present.

Case 09-2010-610 E. Illinois - A request for a variance to reduce the 6.5 foot side yard required to allow an addition to be constructed.

Kench reported that the addition had actually been started without the benefit of a building permit or approval and lacks the proper setback, therefore; a stop work order was placed on the project. Kench also reported that the site currently lacks the 12' required distance between buildings on an adjoining site. In addition to these issues, Kench reported that there were some portions of the construction that did not meet building code, and even if the Board approves the variance request, some of the construction may have to be removed.

Kench reported that the property is zoned R-3 single-family residential, with surrounding properties also zoned for single family residences.

Kench reported that in 1991 the site was granted a variance to allow an addition to join the home with a detached garage having a side yard setback of 4'. Kench stated that field measurements have shown the setback to be less than 4', with the actual setback being closer to 2' 10". Kench showed photos of the site, including the construction that has already taken place and the addition that was added in 1991.

James Monahan & Kathleen Sheahan addressed the Board. Mr. Monahan explained the reason behind the request was based on Ms. Sheahan's medical conditions. Following several falls, Ms. Sheahan's physician advised the applicant to cover the driveway, making easier access into the home during inclement weather. The addition would also be used for additional storage.

Chairman Kulick asked for explanation from the applicant on the approval granted in 1991, commenting that the variance was granted at that time for basically the same reason – to allow the applicant access from the garage to the home.

Mr. Monahan stated that over the years, things that had been stored in the basement have been moved to the garage, and the washer/dryer has also been moved upstairs to allow the applicant easier access to it. This has resulted in the garage being used for additional storage space, limiting room for vehicles.

Commissioner Benison asked if the garage could be cleared out to allow vehicles to park there. Mr. Monahan indicated it may be possible for one car; however the addition would allow two vehicles to park in there.

Chairman Kulick asked if it would be possible to add to the south end of the garage for storage, stating he feels that allowing the variance would create a hardship for the neighboring property. They would be limited from ever adding to their home based on the distance between buildings.

Commissioner White asked where the main entrance is located. Mr. Monahan stated it was under the carport.

Commissioner Brockman questioned why the applicant started the project before obtaining a permit. Mr. Monahan stated he thought the person hired to put in the asphalt had obtained the permit. Mr. Monahan further explained that Ms. Sheahan has recently undergone some work on her back which fused some disks together. The doctor has warned her that if she falls again, she may end up in a wheelchair.

Chairman Kulick questioned how many people currently live in the home. Mr. Monahan stated there are two sons that also live there.

Chairman Kulick opened the public hearing.

Wesley Leonard, 618 E. Illinois addressed the Board. Mr. Leonard stated that they have no wish to make their neighbor's life hazardous; however he stated he was first under the

impression that the proposed addition would be a one-story addition. Based on the fact that it is a two-story addition he has concerns with drainage and also visibility from his property. He further expressed concerns over the limitations the addition would place on his property in regards to future additions or as a selling factor.

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

Board Discussion:

Commissioner Olivieri asked how much distance was between the garage and the back property line. Kench stated it was approximately 30 feet.

Chairman Kulick stated concern with the close proximity to the neighboring property.

Commissioner Brockman stated that if the existing garage were cleared out it could still be a functioning garage, with access to the house.

Commissioner White stated he feels the applicant has other alternatives that they could consider which would not require a variance.

Commissioner Olivieri asked if they would need a variance to add to the back of the garage. Kench indicated they would, however; they also could consider a detached storage building.

Chairman Kulick asked if the applicant could off-set the addition. Kench stated they could reduce the width of the addition to something that would give them their needed setbacks.

Kench shared the correspondence received, which was included in board packets.

Motion by Ellertson, support by White to approve the side yard variance as requested.

Motion denied unanimously. The Board did not feel there was sufficient hardship to justify granting the variance based on the other options available to the applicant.

Case ZBA-10-2010 – 1400 S Washington – Wesley Foundation.

Kench introduced Case 10-2010, explaining that the applicant recently requested a conditional re-zoning of the property from R-1 to M-2. The Planning Commission recommended approval in June and the case was then heard by the City Commission, who in turn approved the re-zoning in July. The M-2 zoning allows the Wesley Foundation to construct a rooming/boarding dwelling for a Registered Student Organization; however, ordinance prohibits such uses when they abut residential property, therefore the applicant has asked for the variance. Kench explained that the site is surrounded by CMU Property, and largely consists of parking lots. Kench further stated that although the surrounding property is zoned R-1, it is highly unlikely that it would ever be used for single-family homes.

Kench stated that if the variance is granted, the applicant would then need to go to the

Planning Commission to obtain a Special Use Permit and Site Plan Approval.

Charles Farnum, 1160 Glen, and Director of the Wesley Foundation, addressed the Board.

Mr. Farnum stated that if the project was approved, there would be an added advantage of having someone living there monitoring what takes place on the site, along with taking care of the property.

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

Kench stated there was no correspondence received.

Motion by Brockman, support by Benison to approve the request to allow a Covenant Leadership Community (Registered Student Organization) to be constructed on the property which is adjacent to property zoned R-1 Residential.

Motion approved unanimously.

VII. Old Business: None

VIII. New Business: None

IX. Other Business:

Chairman Kulick commended Commissioner Olivieri for a job well done at 802 S. Main. Commissioner Olivieri commented that Mr. Kench had been a significant help in the design of the building.

X. Adjournment:

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

Meeting adjourned 7:48 p.m.

bam