

Mt. Pleasant Zoning Board of Appeals
Minutes of Regular Meeting
July 27, 2011

Vice-Chairman Kulick called the meeting to order at 7:09 p.m.

I. Roll Call: Kench called roll.

Members Present: Brockman, Ellertson, Kulick (Vice-Chair), Olivieri
Members Absent: Palm, White (Chair), one vacancy
Staff: Kench, Murphy

II. Approval of Agenda:

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

III. Approval of Minutes:

Motion by Brockman, support by Ellertson to approve the minutes from the June 22, 2011 regular meeting as written. Motion approved unanimously.

IV. Communications:

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

V. Public Comments:

Vice-Chairman Kulick opened the floor for public comments.

There being no one who wished to address the Board, the Public Comments session was closed.

VI. Public Hearings:

Vice-Chairman Kulick explained board proceedings, noting that a quorum was present. Vice-Chairman Kulick further explained that because there were only four voting members in attendance, the applicant would have the option of postponing their case until a full Board could be present. Vice-Chairman Kulick asked the applicant if they wished to postpone or proceed. Mr. Chuck McGuirk stated they wished to proceed with the request.

Kench introduced the case:

- A. Case ZBA-05-2011 –560-614 W. Pickard.** Kench explained that this was a request for a front yard setback variance for a proposed building addition. Kench stated that the site is currently the site of industrial establishments. The owner is in the process of having the property conditionally rezoned to heavy commercial. The Planning Commission heard the rezoning request on July 7, 2011 and has made a recommendation to the City Commission to

approve the request with the conditions proposed by the applicant. The City Commission has scheduled a Public Hearing on August 22, 2011.

Kench further reported that the applicant has submitted an application to the Planning Commission for Site Plan Approval, provided the variance request is granted.

Kench shared the site layout as it currently exists, along with the proposed site plan, which includes the demolition of an existing two-story building, to be replaced with a one-story addition to the remaining building. Kench explained that the existing building currently has a setback of 27' 6", whereas the proposed addition would have a setback of 28' 9 1/2". The proposed addition includes a four foot overhang that will be utilized as a walkthrough. The overhang will extend into the setback approximately 2', which is the reason for the variance request.

Vice-Chairman Kulick commented that the proposed addition would actually decrease the degree of non-conformity as it would increase the setback. Kench verified this was the case. Kench further commented that our Ordinance allows exceptions for open porches and overhangs in the Residential Districts; however, doesn't include language that gives that option in the Industrial or Commercial districts.

Tim Bebee, Central Michigan Surveying and Development, addressed the Board as representative for the owners. Mr. Bebee reiterated that the variance is required for the overhang only. He commented that the existing building extends 2 1/2 feet into the setback, whereas the proposed building itself would meet the setback requirements.

Mr. Bebee spoke of the request to conditionally rezone the property as many of the businesses currently located there fall between Industrial and Commercial uses, into what they are terming a Heavy Commercial use. They plan to give the new addition an "office-type" look on the street side.

Mr. Bebee restated that not only would the proposed project be decreasing the encroachment into the setback, but they would be dressing up the building as well.

Vice-Chairman Kulick asked if they could leave the existing building; remove the top floor and extend it back to the other building. Kench commented that by doing so it would cover too much of the land area.

Mr. Bebee commented that if the distance was measured to the face of the building, they wouldn't need a variance. He also reiterated that if the Ordinance language was similar to residential districts, they wouldn't need a variance, as there would be an exception for architectural overhangs.

Vice-Chairman Kulick opened the Public Hearing. There being no one who wished to speak, the Public Hearing was closed.

Motion by Olivieri, support by Brockman to grant the variance as requested based on the fact that the proposed building reduces the specific non-conformity that exists on the property and Ordinances typically have an exception clause to allow for building overhangs.

Motion approved.

VII. Other/New Business:

Vice-Chairman Kulick suggested that staff communicate to the Planning Commission a request to look at including the architectural projection language in the Industrial and Commercial districts, similar to what is in the Residential district language. As the Ordinance currently reads, most every project proposed for the Industrial zone requires a variance.

Commissioner Ellertson commented that historically, industrial buildings have not had dressed up facades. Commissioners Brockman and Olivieri commented that they like the direction this project is taking.

VIII. New Business

1. August Meeting: Kench stated would likely be hearing a request to reinstate a non-conforming use in August. Deadline for submittals is August 2, 2011.
2. Board Vacancy: Kench commented that we are looking for a new Board member and suggested that interested persons contact him.

IX. Adjournment

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

Meeting adjourned 7:30 p.m.

bam