

Mt. Pleasant Zoning Board of Appeals
Minutes of Regular Meeting
March 23, 2011

Chairman Kulick called the meeting to order at 7:07 p.m.

I. Roll Call: Kench called roll.

Members Present: Brockman, Kulick (Chair), Olivieri, White
Members Absent: Ellertson, Palm, Rowley
Others Present: Kench, Murphy

II. Approval of Agenda:

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

III. Election of Officers:

Kench asked for nominations for Chair.

Motion by Kulick, second by Brockman, to nominate White as Chair.

There were no further nominations.

Motion approved unanimously.

Motion by White, second by Brockman, to nominate Kulick as Vice Chair.

There were no further nominations.

Motion approved unanimously.

IV. Welcome new Board member. Commissioner Palm was not in attendance.

V. Approval of Minutes from January 26, 2011:

Motion by Kulick, support by Brockman to approve the minutes from January 26, 2011, as written. Motion approved unanimously.

VI. Communications:

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

Motion by Brockman, support by Olivieri to enter into a recess until the applicant for the case scheduled for Public Hearing arrives. Motion approved. Board entered into recess.

Chairman White called the meeting back to order at 7:35 p.m.

VII. Public Comments:

Chairman White opened the floor for public comments.

Peter Reale, 233 N. Main spoke regarding the speed limit on North Main Street. Mr. Reale expressed concern that a speed limit of 25 needs to be restored and clearly marked as he feels traffic is traveling much too fast along this stretch of roadway.

There being no one else who wished to speak, Chairman White closed the Public Comments portion of the meeting.

VIII. Public Hearings:

Chairman White explained board proceedings, noting that although a quorum was present, when only four members are in attendance, such as tonight, the applicant has the option of postponing until a full Board is present, as four positive votes are required to approve a variance request. Chairman White asked the applicant to step forward and asked if he wished to proceed with the Public Hearing or postpone until a full board was present. The applicant indicated he wished to proceed.

Case ZBA-01-2011 – 218 N. Lansing Street. Request for a rear yard setback variance to allow construction of deck.

Neil Satterlee, Four Seasons Windows and Siding, addressed the Board as applicant for the case. Mr. Satterlee explained that his company has completed various projects for the homeowners over the past few years. They were recently contracted to put a small addition on the home. The original plan was to also replace the existing deck; however the homeowners requested an extension to the deck, which somehow failed to be added to the original permit. Mr. Satterlee stated that the original configuration was difficult for the homeowners to navigate. He further commented that the homeowners stated they were unable to use their back yard as it was due to some uneven terrain, etc., and they wished to have a deck installed to allow them to use their back yard. Mr. Satterlee commented that he was unaware of any issues when they extended the deck and also commented that the deck is installed low to the ground; therefore, creating no visual obstructions and is constructed of nice decking material that blends into the landscaping. There is a privacy fence along the south side of the property and also along the east side.

Kench addressed the Board, stating the applicant first applied for the building permit in January, at which time there was a concern that the addition may be encroaching into the setback. Kench stated he met the contractor on site and verified that the addition met the required 25' setback. Kench explained that it was during an inspection it was discovered that there was some additional construction taking place that had not been approved and that was encroaching into the required setback, leaving only 10' to the property line.

Kench stated that all other setbacks have been met and reviewed Section 154.164 of the Zoning Ordinance outlining the conditions for granting a variance with the Board.

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

Kulick asked if the deck, by definition, was considered an accessory structure. Kench explained that because the deck is attached to the home, it becomes a part of the principal structure, therefore, is subject to the setback requirements for such. Kench explained that if the deck were considered an accessory structure, there would need to be a six-foot separation from the principal structure.

Olivieri questioned whether the same standards would apply to a concrete patio. Kench indicated they would.

Kulick commented that it appears there was some miscommunication between the building department and the contractor and although the contractor was acting on the request from the property owner, the Board can only grant variances if there is a practical difficulty or unnecessary hardship. Kulick further commented that in this case, the deficiency is self-created and there are other options available to fix it.

Brockman questioned whether the applicant could remove 10 ft. of the deck, leaving 7 ft. for the lower level. Kench clarified that they would need to remove 15 ft. to meet the 25 ft. setback requirement, leaving only 2 ft.

Mr. Satterlee commented that this is an awkward situation and reiterated that the owners do not use their back yard. They have indicated this is the only way they would be able to use it, as the deck would alleviate concerns with uneven terrain, etc.

Motion by Kulick, support by Olivieri, to approve the variance as requested.

AYES:

NAYS: Brockman, Olivieri, Kulick, White

Motion failed / Request for variance denied.

IX. New Business:

Kench had no new business.

Kulick commented that he had attended a portion of the joint meeting between the Planning Commission and City Commission and questioned whether there were plans to have a joint meeting including the Zoning Board. Kench indicated that there was definitely some interest in this and he will keep the Board posted.

X. Other Business: None

XI. Adjournment

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

Meeting adjourned 8:00 p.m.

bam