

Mt. Pleasant Zoning Board of Appeals
Minutes of Regular Meeting
December 19, 2012

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

I. Roll Call: Staff called roll.

Members Present: Berkshire, Fokens, Kulick, Palm, Quast, White (Chair).

Absent: Ellertson (Vice-Chair).

Staff: Kench, Gray, Murphy

II. Approval of Agenda:

Motion by Kulick, support by Quast to approve agenda.

Motion approved.

III. Approval of Minutes from November 27, 2012:

Motion by Kulick, support by Palm, to approve the minutes from the November 27, 2012 meeting as submitted. Motion approved.

IV. Communications:

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

V. Public Comments:

Chairman White 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:

Chairman White explained board proceedings, noting that a quorum was present.

A. Case ZBA-25-2012 - 604/602 N. Kinney - Matthew and Ann Roberge.

Staff introduced the case, explaining that the applicant is seeking to reinstate a non-conforming residential rental unit over an existing carriage house as a single-family unit. Staff noted that the applicants, who are also the current owners, purchased the house following a foreclosure in 2009. Following their purchase, they lived in the carriage house while restoring the main house on the property. Staff reported that the home had previously been divided and licensed as four separate units, along with a licensed single-family unit over the garage. The property has essentially been used as a five unit rental property since the 1970s. Due to the foreclosure of the property, the use was suspended for more than one year, and therefore lost its legal non-conforming status.

Staff reported that the applicant has restored the main home back to a single-family home and would like to enter the carriage house unit back into the housing licensing program.

Staff noted that the Board will want to consider whether the proposal is a reduction in non-conformity, noting that the applicant has reduced the number of units from 5 down to two. Staff also commented that the applicant has made significant improvements to the property, which benefits the neighborhood.

Staff reported that the property is mainly surrounded by single-family owner occupied properties, with one similar scenario across Andre Street to the south, further noting that the use is consistent with the neighborhood.

Staff reported that the lot size is large, with well over 17,000 square feet of land area, providing two parking spaces in the lower level, with additional parking off the alley.

Chairman White asked if there have been any problems with the similar property on the block. Staff noted that there have been no issues.

Matthew and Ann Roberge, applicants and owners of the property addressed the Board. Mr. Roberge stated that staff had presented the case very well, and commented on the renovations on the main home.

Commissioner Kulick questioned whether the house is original or if there had been additions at some point in time. Mr. Roberge stated he believed it was originally built as is.

Commissioner Berkshire asked if any renovations were planned for the carriage house. Mr. Roberge stated that when they purchased the property, they cleaned up the carriage house so they could live in it while renovations took place on the main house. They will likely just clean and re-paint the carriage house prior to entering it into the rental program.

Commissioner Berkshire asked if the garage was used for additional parking or if it was part of the rental unit. Mr. Roberge stated that the apartment is an upstairs apartment, and that the area below is mainly used for storage.

Commissioner Fokens asked for clarification on parking areas.

Commissioner Kulick asked if the applicant would have an issue with an approval being contingent on the main home being owner-occupied. Mr. and Mrs. Roberge both indicated that would not be a problem for them.

Staff reported that the only correspondence received was from the Department of Fire Safety indicating that the applicant would need to file for a rental license.

Chairman White opened the public hearing. There being no one who wished to speak, the public hearing was closed.

Board Discussion:

Commissioner Kulick commented that the level of the finishes the owner has put on the main house is a good indicator that they will not do anything to harm the neighborhood and feels

that by eliminating three of the dwelling units on the property, it is a significant improvement in the property and decreases the level of non-conformity. He also commented that he feels this use is consistent with the neighborhood.

Chairman White commented that the lot is unique based on the size and noted that their appears to be sufficient area for parking. He further commented that it is nice to see this home being restored.

Commissioner Quast stated she feels this kind of rental works well with the city and would encourage this type of rental unit, noting that 35% of the homes in Mt. Pleasant are rental units. Commissioner Kulick clarified that 35% of the dwelling units are rentals, rather than 35% of the houses, noting that there are several apartment-type housing units that are figured into that percentage.

Commissioner Fokens noted that he would like to see something defined in regards to the parking, but was overall in favor of approving this request.

Motion by Kulick, support by Berkshire to approve the request from Matthew and Ann Roberge to reinstate a non-conforming residential use over the existing carriage house located at 602/604 N. Kinney, noting that the proposed use is a marked decrease in the degree of non-conformity as they will be reducing the number of dwelling units from 5 down to two, with the condition that all parking be off the alley and designed to the satisfaction of the Building Official. In addition, the main home is to remain owner-occupied.

Staff asked that the motion include the basis for the decision.

Commissioner Kulick modified the motion, which was supported by Berkshire, to add the following:

- The proposal is consistent with the neighborhood and the improvements that have been made to the property are an improvement to the character of the neighborhood.
- The site is unique based on the size of the lot.
- The use as a single-family unit is consistent with the neighborhood.
- The proposed use is a marked decrease in the degree of the non-conformity.

Motion approved.

Commissioner Kulick thanked the applicant for re-investing in the city.

VII. Old Business:

None

VII. New Business

None

VIII. Other Business

A. January Meeting - Staff noted that the postponed Washington Street cases may be back on the agenda.

B. Letters of Invitation

Staff reported that the Board will be receiving letters of invitation for a New Member training that is scheduled for January 21, 2013. In addition, the City Commission will be hosting a Place Making session on January 14, 2013.

IX. Adjournment

Motion by Kulick, support by Quast to adjourn to work session on Review Procedures and Standards - Redevelopment of Housing in the M-2 Zoning District.

Motion approved.

Meeting adjourned 7:25 p.m.

bam