

Mt. Pleasant Zoning Board of Appeals
Minutes of Regular Meeting
January 25, 2012

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

I. Roll Call: Kench called roll.

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

II. Approval of Agenda:

Motion by Palm, support by Ellertson to approve agenda. Motion approved unanimously.

III. Approval of Minutes:

Motion by Brockman, support by Ellertson to approve the minutes from the regular meeting of the Zoning Board of Appeals from November 23, 2011 as written. Motion approved unanimously.

IV. Communications:

Kench 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 and that the Board would be hearing one case.

A. Case ZBA-07-2011 - 1088 S. University. Kench introduced Case ZBA-07-2011, explaining that this case was postponed from 2011 to allow the applicant to provide a floor plan along with their application. The case was submitted by Samuel and Salam Haddad, owners and operators of the Malt Shop, who would like to convert a portion of the lower level of their business into a game room. The on-site parking was calculated at 22 spaces at the time the building was constructed to accommodate the use and occupancy of the main floor. The proposed additional 738 square feet in the lower level would increase the number of required parking spaces by 8 (based on 24 occupants); therefore the applicant is requesting a parking variance.

Kench reported that the building was constructed in 1998 and provides just less than 4,000 square feet of floor area on the main level. The lower level has equivalent floor space; however only 738 square feet will be converted to the game room. The remainder of the lower level includes restrooms, an office and storage areas.

Kench explained that the parking requirements for restaurants are calculated at one space for every three occupants. Based on the 22 available spaces, the occupancy would be limited to 66.

Kench offered the following points of discussion for the Board to consider for establishing a basis for considering a variance.

- Can the game room be considered accessory to the restaurant to determine that no increase in parking is needed?
- Can patrons also utilize available on street parking along University Street?
- Can the applicant demonstrate that a majority of their business is derived from foot/bicycle traffic to the location?
- Can approval be linked to the specific size and use of the lower level basement?

Kench noted that there are additional on-street parking spaces available along with metered street parking and a metered lot across the street from the business.

Commissioner Olivieri asked for clarification on considering the use as an accessory use.

Kench explained that a customary accessory to a pizza parlor is an area for arcade type games. This use generally would not increase the food/dining area and would likely be used by the patrons of the restaurant

Commissioner Ellertson commented that considering this as an accessory use would suggest that the parking needs would not significantly increase.

Commissioner Brockman asked how the 8 additional spaces were calculated. Kench stated it is based on building code calculations.

Commissioner Brockman asked for verification that the seating upstairs would not be increased. Kench stated he did not believe it would be; however suggested the applicant could answer that question.

Commissioner Ellertson commented that the square footage being converted is pretty small and did not feel it would impact the primary use of the building.

Salam Haddad, applicant, addressed the Board, explaining that they have been in business in Mt. Pleasant since 1987 and moved to the new location in 1998. Mrs. Haddad explained that the arcade games had always been a part of the business, but when they moved into the new building they didn't have enough room and this is the reason they want to open up a portion of the basement. Mrs. Haddad explained that they had the space remodeled and carpeted before they became aware that parking may be an issue. Mrs. Haddad further verified that they did not have plans to increase the seating in the dining area.

Chairman White asked for a description of the types of games they would have. Mrs. Haddad explained there was a pool table, air hockey, driving type arcade games, etc. that they had used in their previous location.

Commissioner Brockman commented that at one time they had some games in the back of the dining area and questioned what that space is now being used for. Mrs. Haddad said it was currently closed off, as they found it was not large enough for the game area.

Chairman White asked if a majority of their clientele drove to the establishment, rode bikes or walked. Mrs. Haddad stated that most of their student clientele came on foot. Families generally bring a car with several people in one vehicle. She further commented that evenings and weekends and summers are very quiet, as the students go other places, and parking has never been an issue.

Chairman White opened the Public Hearing.

Sister Meg Majewski, 805 W. Broadway, spoke in favor of the request, complimenting the Haddad's on the friendly atmosphere of the restaurant. Sister Majewski further spoke of the number of CMU alumni who returned with their families to the Malt Shop.

Karen Savodsky, 805 W. Broadway, spoke in favor of the request, commenting that the business is family-oriented and that we need to support small businesses.

There being no one else who wished to speak, the Public Hearing was closed.

Kench reported that no correspondence had been received in regards to the request.

Board Discussion:

Commissioner Ellertson asked Kench to explain his statement in the staff report regarding the need for a building permit. Kench explained that the building permit would be for the change in use and that the building and fire departments would need to inspect the space to determine that the life/fire safety elements of the space comply with current code prior to the space being opened up for public use. He further commented that egress is not a problem as there are two stairways leading out of the space.

Commissioner Palm commented that she does not believe there would be a marked increase in the number of patrons and did not see a problem with the request.

Chairman White agreed, further commenting that as a commuting student, he never has a problem finding parking close to campus. He added that he believes it will be a nice added feature for the patrons of the Malt Shop.

Commissioner Olivieri commented that he sees no problem with the request.

Chairman White commented that they may want to tie any approval to this being an accessory use to the existing restaurant. If there are changes in the future that add dining area, the applicant may have to come back to the Board.

Motion by Ellertson, support by Brockman to grant the variance request to allow a portion of the lower level to be used as a gaming area, based on the Board discussion that there will not be any impact on the available parking; a large percentage of their clientele is foot traffic;

there is additional parking in the vicinity and they do not believe the accessory use will markedly increase the existing business. The approval is contingent on the approval of the Building department approving the space. The Board further noted that any change or expansion of the use would need to be brought back to the ZBA.

Motion approved unanimously.

VII. Other/New Business

- A. 2012 Meeting Schedule.** Kench provided copies of the proposed 2012 meeting schedule, commenting that the Board may want to look at moving the December date, which falls on December 26 to December 19.

Motion by Palm, support by Brockman to approve the 2012 Meeting Schedule with the change noted. December meeting will be held on December 19, 2012, with the application deadline falling on November 27, 2012.

Motion approved unanimously.

- B. Ordinance Amendments.** Commissioner Brockman brought forward a request from the Planning Commission regarding the number of Ordinance amendments the ZBA has asked them to look into over the past several months. The Planning Commission would like the ZBA to compile a list of amendments they wish to see considered.
- C. February meeting.** Kench reported that there are several cases on the agenda for February. In addition, we will be electing new officers and will be welcoming any new and/or returning members that are appointed by the City Commission Appointments Committee.

Adjournment

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

Meeting adjourned 7:30 p.m.

bam