

Mt. Pleasant Zoning Board of Appeals
Minutes of Regular Meeting
October 23, 2013

Vice-Chairman Palm called the meeting to order at 7:00 p.m.

I. Roll Call: Staff called roll.

Members Present: Berkshire, Kulick, Lents, Palm, Orlik,

Members Absent: Fokens, Raisanen.

Staff: Mrdeza, Murphy

II. Approval of Agenda:

Motion by Kulick, support by Orlik, to approve the agenda.

Motion approved.

III. Approval of Minutes from the September 25, 2013, regular meeting:

Motion by Kulick, support by Lents, to approve the minutes from the September 25, 2013 regular meeting as written. Motion approved.

IV. Communications:

Staff reported that we received one communication from Michael Moutsatson in regards to the Graff Buick GMC Cadillac request, which was included in Board packets.

V. Public Comments:

Vice-Chairman Palm 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 Palm explained board proceedings, noting that a quorum was present.

A. ZBA-12-2013 - 1016 S. Main - Joe Olivieri.

Staff introduced case ZBA-12-2013, submitted by Joseph Olivieri on behalf of the owners. Staff noted that the applicant is requesting a finding on a non-conforming use under section 154.007, to allow the redevelopment of a rooming dwelling on a non-conforming lot. As part of the redevelopment, the applicant is requesting a variance to reduce the required parking for an RSO and consideration to reduce the required land area per person to permit an increase in occupancy.

Staff reported that the property is zoned M-2 multi-family and is surrounded by M-2 multi-family zoning.

Staff reviewed the requirements for an RSO, noting that one of the items in question was the land area per person.

Staff shared the proposed site plan, explaining that the site plan being shared included the property at 1014 S. Main that will be reviewed later in the meeting. Although the proposals are not being considered together, they are side by side, and staff felt it would be helpful to see the sites together.

Staff shared photos of the existing site, along with proposed elevation drawings, noting that the current building encroaches onto the neighboring property, which is one of the reasons for the request, and will be one of the non-conformities that would be eliminated with the redevelopment of the property.

Staff reported that the property is currently licensed as a rooming dwelling for 22 occupants. Based on land area, the site would permit 11 occupants. The applicant is asking for an increase in allowable occupancy to allow 12 occupants. Staff explained that parking requirements for an RSO are a 1:1 ratio, with two additional spaces. The request from the applicant is for consideration to reduce the parking requirements to 12, which will still allow for the 1:1 ratio, but would eliminate the two additional parking spaces.

Staff reported that the applicant is proposing a list of reductions in the non-conformities on the site as the basis for the increase in occupancy. Staff noted that the Zoning Ordinance allows for considerations for redevelopments when the new development is found to "markedly decrease the degree of non-conformities." Staff reviewed the non-conformities that would be brought into compliance with this request:

- 154.095 E Land area per person will increase with reduction in current occupancy by 10 people. (currently licensed for 22 - requesting 12)
- 154.095E Building Area per person will be brought into compliance.
- 154.095 Building Height will comply with current code of 35 feet.
- 154.095 Existing building constructed over south property line - Removed
- 154.095 Side Yard Setback- brought into compliance.
- 154.120 Parking Ratios 1 to 1 for occupancy. Staff reiterated that RSO's require two additional parking spaces, and the Board would need to determine if they were willing to allow a reduction in the required parking for RSOs.
- 154.121 Parking will be hard surfaced (lawn parking occurring).
- 154.121 Parking lot maneuvering lanes will be provided to comply with ordinance and fire code.
- 154.121 Stacked Parking will be eliminated.
- 154.054C Parking will be removed from the front yard along Washington Street.
- 154.054C Open landscape/yard areas will be created as required by ordinance. (25% Min).

Staff noted that the site plan shows a side porch with a roof that encroaches into the required north side yard setback, which was not included in the public hearing notices. In addition, the proposed turret detail encroaches into the south side yard setback by 2 1/2 inches. For the Board to consider the applicant's request tonight, the applicant would need to adjust the turret and remove the roof from the porch to meet required setbacks.

Joe Olivieri, applicant, addressed the Board. Mr. Olivieri commented that he has no problem removing the roof from the side porch to meet setbacks and in addition has enough land area to shift the building enough so that the turret feature does not encroach into the setback.

Commissioner Kulick commented that he is impressed with the proposed reduction in occupancy from 22 down to 12; however noting the different shape and size of the building currently on the lot, questioned whether there had been any consideration given to a gut and rehab of the existing home.

Mr. Olivieri noted that a rehab of the home would require a loan and banks require title insurance. He noted that an insurance company will likely not provide title insurance when the existing home encroaches onto the neighboring property. He noted that his clients had initially looked into that and found it was not a viable option.

Commissioner Berkshire asked about driveway locations and the primary entrance location. Mr. Olivieri stated the drive would be off Washington Street. The front door would open into the living area, and the side door would enter into the kitchen.

Commissioner Berkshire asked how many were currently occupying the building. Mr. Olivieri noted he wasn't sure; however the home has 11 bedrooms so typically there would be 11 occupants as most students are not willing to share a bedroom. Commissioner Berkshire noted that even though the house is licensed for 22, in reality, the applicant is asking for an increase of one based on current occupancy.

Commissioner Berkshire asked if there is any contract with a fraternity or sorority at this point in time.

Kurt Carson, part owner of the property, addressed the Board, noting that he appreciates the service that the Board provides to the community. Mr. Carson reported that the property is owned by the Alumni Association and they have not had their own fraternity in the home. Mr. Carson reported that there is currently a waiting list of 26 students for next year and they could easily get 22 in; however they wish to make the building safer and not a target for behavior problems. He admitted that they have not had a lot of control over the current occupants; however, noted that once their group (Sigma Phi) is in there will be more control.

Commissioner Orlik referred to the parking requirement for RSO's, in this case, 14 parking spaces would be required where the site plan shows only 12. He asked if they were sure the only way they could get the additional two spaces is to put them in the front or if they would be able to reconfigure the site to get them all in the back.

Staff asked if that would affect the 25% greenspace. Mr. Olivieri stated he would need to do the calculations to determine that.

Commissioner Kulick addressed a comment to staff regarding the information provided by the Historic District Commission entitled the "North Central Campus Neighborhood Report and Recommendations". Commissioner Kulick noted that the report identifies properties that they would not like to see razed; further noting that some have some unique architectural features and some do not. He noted that the report does not give information on *why* the group feels the properties identified in the report have historical significance to the city.

Staff responded that from conversations with those involved in creating the report, there is a certain amount of history associated with the dwellings. In this particular case, Dr. Parks, whom the Park Library is named after, used to reside in the home. He further noted that they looked at various issues: the historical ties to the community, the architecture and also took into account the state of repair/disrepair noting which they felt could be re-furbished. In some cases, the characteristics that made them unique have been covered up over time; however, the group felt that these characteristics could be restored.

Commissioner Kulick referred to the southwest corner of the site plan, asking what was directly south of that on the next lot. Mr. Olivieri responded that it is a parking area for the two-unit rooming dwelling at 1018 S. Main.

Commissioner Orlik asked the applicant to verify he could solve the side yard setback by shifting the building. Staff shared the site plan of the area in question, noting that the turret encroaches only 2 1/2 inches. Commissioner Berkshire questioned whether the turret was needed for additional bedroom space. Mr. Olivieri noted it was for architectural interest and that he would be able meet the required setback. Additionally, he reiterated that he would remove the porch roof on the other side in order to meet that setback and proceed with the request; however, commented that he may bring that request back at a later time as he feels the porch roofs add a lot to the building.

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

Staff reported that the only correspondence received was from the Department of Fire Safety and Department of Public Works, noting any approvals would be contingent on the applicant meeting the requirements of those departments.

Board Discussion:

Commissioner Kulick asked Mr. Carson if he was aware of the enhanced lease language that the Boards are requiring with these redevelopments. Mr. Carson indicated he was not and asked what the terms were. Commissioner Kulick responded that basically it puts more responsibility for the tenants and the condition of the property on the owner. If there are problems, Code Enforcement notifies the landlord and they are expected to handle the situation. Commissioner Kulick referred to the long list of enforcement problems over the

past several years, noting that he would not likely approve the request without assurances that there will be some enhanced lease language.

Mr. Carson noted that he appreciates the Boards comments and concerns. He noted that if they could preserve the property they would; however noted that this particular house has a stigma attached and they are not currently able to recruit the type of renters that they desire. He noted that their lease language will be extensive, further commenting that he would be more than willing to look at the lease language Commissioner Kulick was referring to. In addition, they have put together a 7 member alumni advisory board that will be overseeing the property. Mr. Carson also noted that they would be putting their own group in the home and would be able to get the type of people who will respect the property and further noted there would be major penalties for any problems.

Motion by Orlik, support by Kulick to approve case number ZBA 12-2013 filed by Joe Olivieri on behalf of Delta Alpha Association, seeking a finding on a nonconforming use under section 154.007, to allow redevelopment to construct a new Registered Student Organization dwelling at 1016 S. Main Street on a parcel having 50 feet of lot width. The Board finds that the lot width is consistent with similar uses and lot widths found in the immediate area to grant a variance.

In addition, the Board finds that the redevelopment will be an improvement to the neighborhood and that the conditions agreed upon in the M-2 Redevelopment guidelines have been met to grant the request to increase the occupancy by one additional occupant from 11 to 12 occupants, noting that the change in occupancy is a reduction in the current allowed occupancy by 10.

The approval is contingent on staff approval of the enhanced lease language.

Commissioner Berkshire asked about the parking request. Commissioner Orlik noted that he intentionally left that out of the motion as he is not in favor of reducing the required number of spaces for the RSO.

Commissioner Lents commented that she realizes the building encroaches over the lot line; however does not feel we should reward property owners who have allowed their properties to fall into disrepair. Commissioner Lents further noted that we have used this particular home as an example in the past of desired architectural features, and feels this could be a beautiful home with some work.

Vice-Chairman Palm commented that she too loves the looks of this house, and is concerned that there won't be any original architectural features to emulate as they will all be new. She further noted she is concerned with the financial aspect the applicant presented in regards to rehabbing the dwelling, asking if there were some other way to get financing.

Mr. Olivieri commented that because of the encroachment, there was not.

Commissioner Lents suggested that there are other ways to get financing if you get creative, other than through a bank, and commented that perhaps the alumni association would be willing to contribute.

Mr. Carson commented that the reality of the situation is that when they purchased this home in 1984 it was in disrepair even then. He estimated the cost for rehabbing the home to be anywhere from \$750,000 - \$800,000. He referred to the "rolling foundation" and explained that where the brick comes together it is starting to come apart and that the structure is at the point where all the brick would need to be removed and with the state of disrepair it is in, it is just not financially feasible to rehab it.

Mr. Olivieri also commented that currently all the non-conformities on the site are grandfathered in. If they were to pursue a complete rehab, as was being described, the non-conformities would come into play and everything would be required to be brought up to code.

Vice-Chairman Palm called the question.

Staff took roll call vote:

Ayes: Palm, Kulick, Orlik, Berkshire. Nays: Lents. Motion carried 4:1

Commissioner Kulick noted that there were some issues that had not been addressed and noted that the applicant will need to submit a revised site plan to show the two additional parking spaces. If that creates the need for additional variances, then he will need to also address that.

Commissioner Orlik noted he supports the project except for the reduction in parking spaces, and asked the applicant to examine the options to see what can be done to provide the required 14 spaces.

B. ZBA-18-2013 302 E. Bennett - Edward Mumford.

Staff introduced case ZBA-18-2013, submitted by Edward Mumford, noting that the applicant is requesting a variance from Section 154.095 to allow a garage addition to extend into the required side and rear yard setbacks and is seeking relief from the 12' separation distance required between buildings on adjoining property. The garage currently sits at 11'8" from the building on the neighboring lot.

Staff noted the property is located on a half lot on the corner of Bennett and Franklin Streets. The property currently has a small garage on it which is too small to park a car in. The garage sits within one foot of the side yard line and within two feet of the rear lot line. The applicant is proposing to construct a new garage within the established setback and attach the garage to the house.

Staff noted that based on the location in relation to the property lines, the applicant would be required to put in a 1-hour fire rated wall. Staff shared a rendering of what the property may look like with the attached garage.

Staff shared photos of the site and reviewed conditions that are necessary for the Board to grant a variance.

Staff noted that the placement of the home on the lot limits the options for the home owner, as does the small lot size, and referred to a similar request for an open carport that was recently granted on Andre Street.

Staff noted that there are a number of smaller lots in the neighborhood that would require variances to permit any sort of expansion.

Ed Mumford, 302 Bennett, addressed the Board. Mr. Mumford commented that he does not have any desire to have an open carport. He also commented that he is trying to make the home more appealing.

Commissioner Orlik acknowledged that the lot is small, however questioned whether the applicant could possibly move the garage forward on the lot to eliminate the need for a rear yard variance. Mr. Mumford stated that would involve moving a bedroom window, which he preferred not to do based on the expense of doing that.

Commissioner Lents asked if there would be a door leading directly from the garage into the home. Mr. Mumford stated there would not.

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

Staff reported that the only correspondence received was from the Department of Fire Safety and Department of Public Works, noting any approvals would be contingent on the applicant meeting the requirements of those departments.

Commissioner Berkshire asked if we had received any correspondence from the neighbors. Staff responded that we have not.

Motion by Kulick, support by Berkshire to approve Case ZBA-18-2013 filed by Edward Mumford, for a variance to construct a new garage within one foot of the east property line and 2 foot from the south property line and to allow the garage to be constructed within 12 feet of the building on the adjoining lot. The approval is granted on the basis that the property is a substandard lot size, which limits the options for the applicant. The approval is contingent on the applicant constructing the garage with a one hour fire rated wall on both the east and south sides of the garage to enhance the safety of the neighborhood. It was further noted that the new construction will not encroach any further than the existing structure; it will not reduce the light and air circulation on the property and will provide adequate parking for the applicant to keep the cars off the street.

Commissioner Lents went through the criteria necessary to grant the variance and it was determined that the criteria was met.

Motion approved.

C. ZBA-19-2013 1014 S. Main - Joe Olivieri.

Staff introduced case ZBA-19-2013 noting that the applicant is requesting a finding on a non-conforming use, under section 154.007, to permit the redevelopment of a new two-unit rooming dwelling on a non-conforming lot. As part of the redevelopment, the applicant is requesting a variance from the minimum lot width for the zoning district, a variance from the required 900 square feet of land area per occupant and a side yard variance to allow a porch feature to extend into the required setback.

Staff reported that the site is located in the M-2 zoning district, immediately adjacent to the earlier case, and is surrounded by M-2 properties.

Staff provided a summary of requirements for Rooming Dwellings, noting that the applicant is seeking relief from the minimum lot width of 66 ft. as the lot is only 50 ft. wide. Staff also noted that the applicant is seeking a slight reduction in the north side yard to incorporate a roof over the entrance porch to provide protection from the weather and to add some architectural interest to that side of the building.

Staff shared the site plan for the project along with photos of the existing site and parking area and elevation drawings for the proposed project.

Staff summarized the non-conformities that would be eliminated with this request as:

- 154.095 - Side Yard Setbacks- brought into compliance - w/exception to the north entrance porch
- 154.120 - Parking Ratios 1 to 1
- 154.121 - Parking will be hard surfaced (lawn parking has been occurring along access drive)
- 154.121 - Parking lot maneuvering lanes will be provided to comply with ordinance and fire code
- 154.121 - Stacked Parking will be eliminated
- 154.054 C - Parking will be removed from the front yard along Washington Street.
- 154.054 C - Open landscape/yard areas will be created as required by ordinance. (25% Min)

Staff noted that the applicant is also requesting approval to increase the permitted occupancy of 10, based on land area, to 11.

Joe Olivieri, applicant, addressed the Board, offering to address any questions.

Commissioner Kulick asked about the site plan, noting that there seemed to be a "jog" in the property line. Mr. Olivieri verified that was correct.

Commissioner Berkshire asked about the driveway on the north side of the property and asked about entry doors to the dwelling. Mr. Olivieri noted that the driveway on the north

belonged to 1010 S. Main. The door into one of the units will face Washington Street and one will face Main Street.

Commissioner Berkshire asked about the floor plans. Mr. Olivieri noted that the front unit would have one bedroom in the basement to provide enough bedrooms for 6 occupants. The back unit would have five bedrooms with no bedroom in the basement.

Commissioner Berkshire acknowledged that the parking would be brought into compliance providing a ratio of 1:1; however, questioned whether the applicant had looked at renovating the existing building.

Mr. Olivieri commented that the building is so old and they don't feel they can get what they need in regards to bedroom sizes and the number of bathrooms and they did not feel that it was feasible to fix up some of these old places.

Mr. Kulick commented that from the street, this particular home is one of the better looking ones of those that have come before the Board for redevelopment and questioned whether there was a third floor based on the placement of the windows. Mr. Olivieri stated he did not know.

Commissioner Orlik asked if the applicant had started these two processes together (for 1016 and 1014 S. Main). Mr. Olivieri responded that he had started the process with 1016 S. Main first.

Commissioner Orlik asked the applicant to describe the style of the homes. Mr. Olivieri stated he would consider both of the renderings to be of the Craftsman style.

Commissioner Berkshire asked if this would be a true duplex. Mr. Olivieri responded that it would with a fire-rated wall separating the units top to bottom.

Commissioner Kulick asked staff if he knew what prompted the Historic District Commission to place this one on their list of properties with historic significance. Staff noted that he wasn't sure; however in addition to the related discussion on the previous case involving 1016 S. Main, also believes there was a past owner of this dwelling who was prominent in the community.

Commissioner Berkshire asked if this property had any encroachments onto the neighboring properties, commenting that this property did not appear to be as decrepit as the previous and could perhaps be renovated.

Mr. Olivieri noted that the interior is run down to the point that it isn't feasible to renovate, noting further that remodeling is tough.

Commissioner Kulick noted that these homes were all built as single family homes prior to today's vast variety of electronic equipment and noted that it is hard to know what is behind the walls. He commented that with the new developments everything is up to code and from

a safety standpoint, rebuilds are a lot safer for the tenants. He noted, however, that the problem with this one is it actually still looks good from the outside.

Mr. Olivieri referred to the renovation of the Borden Building as an example of the feasibility of renovations, noting that the only way the city was able to do it was through tax credits, grants etc., which are not available for the renovation of these homes. He again stated that they simply reach a point where remodeling is not worth the money. Mr. Olivieri commented that the bottom line is these homes have reached the end of their useful life and the new developments improve safety for the tenants.

Commissioner Kulick questioned staff if the city had any funds or programs to buy occupancy for these dwellings. Staff responded that there is not at this time, nor has there been any discussion.

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

Staff reported that the only correspondence received was from the Department of Fire Safety and Department of Public Works, noting any approvals would be contingent on the applicant meeting the requirements of those departments.

Board Discussion:

Commissioner Lents commented that she is having a hard time with this request for the same reasons as for 1016 S. Main. She noted that part of owning a home is the upkeep and making upgrades as needed. Commissioner Lents further noted that you can replace the electrical, plumbing, etc. and still keep the character of the home.

Motion by Kulick, support by Berkshire to postpone action on Case ZBA-19-2013 and ask the applicant to draw up a plan showing a rehab of the existing building, showing the number of bathrooms and bedrooms, common space etc. that could be configured into the existing building without significantly changing the facade, prior to continuing discussion on the case.

Motion approved.

Mr. Olivieri commented that if it is the facade of the building that they love, he could tear down the old and build a new one to look like the old. Commissioner Lents noted that he was free to bring that back as an option for them to consider.

IX. Old Business:

Staff reported that Case ZBA-14-2013 for 903 S. Main and Case ZBA-15-2013 for 215 Pine Street will remain postponed at the applicants' requests.

Staff reported that ZBA-16-2013 for 102 & 116 N. Mission will not be coming back to the ZBA, as they have revised their site plan to meet the 30' drive opening and was therefore, able to go before the Planning Commission. They received their approval for the SUP and

Site Plan with the contingency that they meet with City Staff and provide an updated site plan that addresses all of the requirements from each department.

X. New Business

There was no new business to be brought to the Board for consideration.

XI. Other Business

A. November Meeting - There have been no new cases submitted at this time; however, the deadline is still a week out. ZBA-12-2013 and ZBA-19-2013 will likely be back on the agenda for November.

XII. Adjournment

Motion by Kulick, support by Lents to adjourn.

Motion approved.

Meeting adjourned 8:47 p.m.

bam