

Mt. Pleasant Zoning Board of Appeals
Minutes of Regular Meeting
August 28, 2013

Chairman called the meeting to order at 7:02 p.m.

I. Roll Call: Staff called roll.

Members Present: Berkshire, Fokens, Kulick, Palm, Orlik, Raisanen.

Members Absent: Quast

Staff: Kench, Murphy

Chairman Fokens welcomed Commissioner Pete Orlik to the Board.

II. Approval of Agenda:

Motion by Kulick, support by Berkshire, to approve the agenda with the removal of Cases ZBA-11-2013 and ZBA-12-2013 due to a request from the applicant to postpone.

Motion approved.

III. Approval of Minutes from the July 24, 2013, regular meeting:

Commissioner Palm noted a typographical error on page 3 and asked for the following change: The entrance feature is relatively small in comparison with the overall building and should ~~approve~~ *improve* the overall appearance of the site once complete.

Motion by Kulick, support by Palm, to approve the minutes from the July 24, 2013 regular meeting with the noted change. Motion approved.

IV. Communications:

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

V. Public Comments:

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

A. ZBA-13-2013 - 2150 JBS Trail.

Staff introduced case ZBA-13-2013, submitted by Joe Claybaugh, JBS Contracting on behalf of Tim Throop, Q-Sage, noting that the applicant is looking to expand their facility and is requesting a variance to reduce the required number of parking spaces.

Staff noted that the site is zoned Industrial and is surrounded by Industrial property. The use is an allowed use in the district and is subject to Site Plan Review by the Planning Commission.

Staff shared the proposed site plan and photos of the site, noting that the Ordinance allows the ZBA to consider a variance in parking requirements as long as the site provides 1.5 spaces per employee and keeps in reserve enough land area to provide an increase in the parking if needed in the future. Staff noted that the applicant meets the 1.5 per employee ratio and also can meet the requirement for the reserved area.

Jim Throop, owner of Q-Sage addressed the Board. Mr. Throop explained that the nature of the business is to build machines that clean seed. He further explained that these are large machines and they can currently only build one machine at a time. They are looking to add additional floor space and will likely add 2-3 employees.

Commissioner Kulick asked if they own the site where the building sits. Mr. Throop indicated they are purchasing it on a land contract.

Mr. Throop shared the original site plan showing 36 spaces, noting that these plans also show a future office space.

Commissioner Raisanen asked if there was land designated to be held in reserve and if it would be maintained as green space. Mr. Throop responded yes to both questions.

Commissioner Berkshire asked if the loading dock would block parking spaces. Mr. Throop stated that it would not.

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

Staff shared the comments provided by the Fire Department, noting the applicant would be required to meet the Fire Department requirements and stated the comments would be included as an attachment to the minutes.

Commissioner Kulick commented that he feels this request differs from other variance requests as the Ordinance specifically provides for this type of situation and therefore, commented he does not feel that the Board needs to review the criteria necessary for granting a variance.

Motion by Kulick, support by Palm to grant the variance to reduce the required number of parking spaces from 36 to 20, provided that the applicant maintains reserve space for future expansion of the parking area if needed, with the stipulation that the applicant meets the requirements of the Department of Fire Safety.

Commissioner Orlik verified that the motion included reserve space for the additional 16 spaces. Commissioner Kulick noted it did.

Commissioner Berkshire asked if the 20 parking spaces would be enough if the applicant adds 2-3 employees. Staff noted that the additional employees had been calculated in the 20 spaces.

Motion approved.

B. ZBA-14-2013 - 903 S. Main.

Staff introduced Case ZBA-14-2013, submitted by William Marshall, noting that the applicant is requesting permission to remove a fence that was required by the ZBA in 1983 as part of the screening requirements.

Staff shared photos of the site, noting that the parking area is located on the south side of the lot. The property is zoned M-2 and is surrounded by M-2 property, with a non-conforming commercial use on the east side.

Staff shared the site plan from 1983, noting that the owner at that time sought a variance to reduce the 5 foot setback for the parking on the south property line. The variance was approved provided the applicant installed the fence to protect the owner-occupied property to the south. Staff noted that since that time, the applicant has purchased the adjacent property and both properties are now licensed rooming dwellings.

Staff reported that the owner approached him a while back asking for permission to remove the fence. Staff explained that because it was a requirement by the ZBA, the owner would need to seek approval to remove the fence. Since that time, the fence has been removed, due to the state of disrepair it was in, so the owner is essentially asking for approval to not replace the fence.

Staff noted that since 1983, the parking requirements have changed.

Commissioner Kulick asked for clarification that the adjacent house to the south was now a rooming dwelling. Staff noted it was and both properties are under the same ownership.

Commissioner Raisanen asked if the ZBA was allowed to discuss the need to expand the parking. Staff indicated they could address that issue if they desired to do so.

Phyllis Marshall, 10441 Chickagami Trail, addressed the Board as owner of the property. Mrs. Marshall noted that they own several properties in Mt. Pleasant and work with a local management company. Mrs. Marshall noted that they had repaired the fence several times over the years and felt that it was beyond further repairs. To prevent yard parking, she explained that they left posts 1 1/2' above ground, painted yellow. Mrs. Marshall commented that in 1983 the fence was necessary to protect the privacy of the owner-occupied home to the south; however noted that with both houses now being used as rooming dwellings, she does not feel that there is a need for the fence. Mrs. Marshall also commented that the fence was a debris catcher and maintenance headache.

Commissioner Kulick asked for information on the number of occupants in comparison to the number of parking spaces on both lots. Mrs. Marshall stated that 903 S. Main was licensed for 7 with four parking spaces. The home at 907 S. Main is licensed for 8 with four parking spaces.

Commissioner Kulick commented that although he would hate to see the applicant eliminate green space, suggested that in order to remain competitive, they may have to look at adding more parking spaces.

Commissioner Raisanen noted that many of the landlords have presented the Board with plans to upgrade facades and parking and noted she is concerned that the properties only have enough parking for half of the occupants. She indicated that she does not feel that the posts will deter parking. Commissioner Raisanen continued that she agrees that the fence had reached its useful lifespan; however, noted she feels that something needs to be done to address the number of parking spaces available for the tenants.

Laura Harter, property manager for the site, addressed the Board's concerns with the parking, noting that in years past the students have been willing to work together to make the parking work; however, acknowledged that it is becoming more apparent that they may need to address the lack of parking.

Commissioner Berkshire asked if they were relying on stacked parking at this time. Ms. Harter responded that there is some parking available in the rear and along with the angled parking, they currently park alongside the home, which means they have to shuffle cars for someone to get out.

Commissioner Orlik commented that between the two properties there are 15 tenants and only 8 spaces. He noted that he is not so concerned about the greenspace, but would like to see the parking situation resolved.

Chairman Fokens noted he is happy to see the fence gone, but would also like to see a plan to address parking for both properties.

Commissioner Orlik asked staff if the applicant proposed 15 spaces with no green space if they would need a variance for that. Staff responded that if they could not meet ordinance requirements for greenspace then they would.

Ms. Harter noted that there are lawns on both the north and south sides of the houses and believes that even if they lost the center greenspace, it would still be visually appealing.

Commissioner Kulick also noted that they would still have parking off the alley.

Vice-Chairman Palm asked if there would be room for 15 spaces. Ms. Harter indicated that there is.

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

Staff shared the correspondence from the Fire Department, noting that they had no concerns with the current layout; however, will need to review any new site plan that is submitted.

Vice-Chairman Palm asked if the parking would be hard surface.

Commissioner Kulick noted that the applicant has one year following an approval to put in the hard surface.

Commissioner Raisanen noted that she understands that safety is paramount; however, noted that the Board has been very careful to ask applicants to maintain greenspace and landscaping and would not like to see that ignored.

Commissioner Kulick commented that he believes they will be able to comfortably maintain the non-pervious space to meet Ordinance requirements.

Motion by Orlik, support by Kulick to postpone action on Case ZBA-14-2016 until the applicant brings back a site plan that would provide for 15 parking spaces between the two properties.

Motion approved.

C. ZBA-15-2013 - 215 Pine Street.

Staff introduced case ZBA-15-2013 submitted by Barrett Lehr, requesting a variance from Section 154.051 to reduce the required 8,500 square foot area for a two-family dwelling located in the OS-1 district.

Staff reported that the site is currently a single-family home on a lot containing 8,052 square feet of land area. The site is zoned OS-1, with OS-1 to the south (owner occupied dwelling) and west (Rooming dwelling for 7 occupants) and C-2, Central Business to the north and east.

Staff noted that the applicant is proposing parking off the alley, providing three spaces per dwelling for a total of 6. The driveways off Pine Street would be eliminated and returned to greenspace.

Staff shared a chart showing the surrounding uses and densities. Staff also noted that the OS-1 district is structured to be a transitional district between the residential and commercial zoning districts.

Staff shared photos of the property showing the existing conditions.

Barrett Lehr, applicant, addressed the Board, and provided information on the improvements he plans for the property, including a new roof, windows, updates to the bathrooms and kitchens, new electrical, siding, etc., along with a general clean up of the exterior.

Mr. Lehr reiterated that he would be removing two driveways from Pine Street to consolidate the parking off the alley. Mr. Lehr noted that the property is in a current state of disrepair, both inside and out, and has been vacant for the past two years. He noted that it is highly unlikely someone will purchase the home and restore it to a single-family home as it is surrounded by student rentals and duplexes with only one owner-occupied home in the immediate area. Mr. Lehr stated the proposed duplex use fits the area and along with the updates already noted, he stated he will also be eliminating a narrow staircase and clear out the brush from the back to make that the primary entrance.

Mr. Lehr stated that his target market will be grad level students or working professionals and will be making the inside nicer to attract that type of client.

Commissioner Kulick asked how much floor space there would be. Mr. Lehr stated that he is considering making the 1st level one unit and extending the roof on the 2nd level to make a full 2nd floor and convert it into the second unit.

Commissioner Raisanen asked for the square footage for the two units. Mr. Lehr stated it would roughly be 1,100 square foot per unit.

Commissioner Berkshire asked if it would be two single-family units, and noted the units would need to be licensed. Mr. Lehr indicated it would be single family units and further responded that this is his first step in the process. If approved, he will need to seek a Special Use Permit from the Planning Commission and then proceed to the licensing step.

Commissioner Berkshire asked if he had spoken to any of the neighbors. Mr. Lehr indicated he has talked to some and has not met with any opposition.

Commissioner Kulick referred to the first floor plan, noting that it seems to have a lot of square footage for a single family rental and noted he is uncomfortable with the request for this area. He indicated he would like additional information on the square footage and layout of the dwelling, along with additional information on what types of materials will be used on the exterior of the home.

Mr. Lehr stated that when he is done with the improvements it will likely be the nicest in the area.

Commissioner Berkshire referred to the floor plan that was provided to the Board, noting that there are 2 kitchens, 2 living rooms, etc. all on the first floor. Mr. Lehr acknowledged that, noting that it was a preliminary sketch that he was considering before he considered building up.

Commissioner Raisanen asked if the applicant currently owned the property. Mr. Lehr stated he did not, he was looking into purchasing it.

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

Staff stated the only correspondence received was from the Fire Department, noting the applicant would need to obtain a rental license and comply with the housing licensing standards prior to occupancy.

Commissioner Raisanen noted for the record that the applicant owns property next door to her; however, she had not met him prior to tonight.

Motion by Kulick, support by Berkshire to postpone Case ZBA-15-2016 to allow the applicant to bring back a more detailed site plan, to provide floor plans indicating how the building will be converted, along with the use of all spaces and to show elevation drawings depicting the types of building materials, architectural detailing etc.

Commissioner Berkshire asked if this address was in the Owner Occupied Incentive area. Staff noted that it was.

Commissioner Orlik noted that in fairness to the applicant, he wanted to note that even with the additional material, he would need to be convinced that this should be approved.

Chairman Fokens called the question.

Motion to postpone approved.

D. ZB16-2013 - 102 & 116 N. Mission - Graff Buick GMC Cadillac.

Staff introduced case ZBA-16-2013 submitted by Graff Buick GMC Cadillac. Staff noted that the site is zoned commercial, and is surrounded by property that is also zoned Commercial, with residential uses to the east.

Staff reminded the Board that last month they granted variances on this site for a front setback and greenbelt reduction. Staff reported that prior to the July meeting, staff had met with the applicant and discussed the City's Access Management Plan, along with Ordinance requirements that restrict access openings to 30'.

Staff noted that the site plan that was presented to the ZBA and approved in July indicated a reduction in the north drive from the existing 60' to 30 ft. to meet both the Ordinance requirements and Access Management Standards. Following the ZBA's approval, the applicant met with MDOT, who implied that they did not have a problem with the existing 60' width and the applicant therefore presented a different site plan to the Planning Commission, leaving the driveway at 60'. Staff noted however, that because of the proposed improvements and expansion of the site, the Access Management Standards come into play and because the ZBA had already approved the site plan for a 30' drive, the Planning Commission did not have the authorization to make the change and postponed action on the Special Use Permit and Site Plan Review until the ZBA makes a determination on the 60' drive access.

Staff reported that following this meeting, staff met with the applicant and MDOT and discussed options that may work for the applicant and still meet Ordinance standards. Staff

commented that one option would be a roll-over curb. Staff also noted that some of the suggested changes would be eligible expenses under the Mission Street TIFA/DDA.

Staff shared dimensions of various other drive accesses and street widths to put the distance in perspective, noting that Pickard Street, which is five lanes, is approximately 66'; Mosher Street, directly across Mission Street, is 34' and the access point off Broadway Street is approximately 42 feet.

Commissioner Orlik asked staff if there had been any other requests to increase drive accesses. Staff noted there have not.

Staff shared the videos submitted by the applicant showing the car haulers pulling into the site.

Chris Graff, owner of the business, addressed the Board, thanking them for the variances granted last month. Mr. Graff noted that he is requesting that the North driveway be allowed to remain at 60' as it has been for years, noting that the additional width is needed for the turning radius. He also noted that the Ordinance allows for the variance from the 30' drive and commented that, as shown on the video clips, the 60' drive is barely enough to accommodate the types of vehicles at this site.

Mr. Graff noted three reasons that he feels the Board should grant the request:

- 1) He believes the Ordinance allows it.
- 2) They need a large opening to allow the drop off of vehicles and reducing the driveway width will be a substantial hardship, creating more issues and is not viable for an auto dealership.
- 3) He feels this is a joint project between the dealership, MDOT and the City.

Mr. Graff also noted that if granted the variance, they will be closing the drive that currently leads into the Sweet onion site, noting that this fits in with the Access Management Standards.

Commissioner Berkshire asked how wide the openings into their Pickard site are. Mr. Graff noted they are approximately 60'. He also noted that you also have to consider the shallowness of the lot.

Commissioner Orlik asked if they had given any consideration to the rollover curb design suggested by staff.

Mr. Graff stated they had discussed it; however, feels that the car haulers may not have enough clearance to make this option viable.

Chairman Fokens commented that if they went with the roll over curb, part of that cost would be covered by the DDA. Mr. Graff stated they had no commitments from the DDA at this point and again referred to the clearance for the vehicles and noted that the width is needed to make the site viable for a car dealership.

Jim Messick, also representing the applicant, noted that with the improvements planned to the facilities, this will be the only drive access onto Mission Street.

Vice-Chairman Palm asked why the applicant had changed their mind after bringing a site plan in showing a 30' drive. Mr. Graff apologized for that; commenting that the city had led him to believe that the access issue was controlled by MDOT so when MDOT seemed supportive of keeping the 60' access, they did not think it would be an issue for the city. He also noted that with the first site plan, he had missed the fact that the drive was reduced to 30'.

Vice-Chairman Palm commented that the Board had granted a number of variances based on the number of drive closures and the reduction in the drive.

Commissioner Raisanen questioned whether the applicant was saying that if the variance is not granted that they would not move forward with their plans. Mr. Graff stated that the reduction in the drive is not viable for a dealership and commented that he doesn't think the Board realizes the problems this would create for this site; that there will be more problems created than fixed.

Commissioner Raisanen stated that she feels the ZBA and the City as a whole have worked hard to improve Mission Street and feels that we have conceded a lot in respect to greenspace, etc.

Mr. Graff noted that they take pride in having an attractive dealership and feels the facilities are an important part of that. He noted that although they do not want tall bushes, etc., that would hide the vehicles, they will be installing a corner feature to mirror what is across the street and will install sprinklers and maintain the greenspace.

Commissioner Kulick asked if there was any data that shows the turning radii for the car haulers. Mr. Graff noted there are surveys and data that they could provide; however again referred to the depth of the site as being a factor and the video shared showing the trucks entering the site. He noted they could possibly reduce the opening by 5ft or so, but does not feel that is the best use of funds.

Commissioner Orlik asked if it would be possible to take the deliveries off the existing Broadway drive. Mr. Graff stated it could possibly be done; however noted that with the timing of the streetlight, it could create some issues. Mr. Messick added that this would put the large trucks on a residential street as well.

Vice-Chairman Palm noted that with the purchase of the Sweet Onion, they would have a lot more parking area and questioned whether they planned to increase the green space on the north side of the 60' access drive. Mr. Graff stated they did not plan on increasing the greenspace, they are looking for additional space to expand and are also trying to comply with GM Guidelines. He indicated that they will use well placed planters and flowers to make the site more welcoming.

Commissioner Orlik asked if the applicant was asking for a 60' access simply because that is what is there now. Mr. Graff noted that most of their dealerships have a 60' access and based on their experience, this is where their comfort zone is.

Chairman Fokens opened the Public Hearing.

Craig Stefanko, builder for Graff, addressed the Board, noting that Mr. Graff had provided a good analogy of why the wider drive works. He noted that the Graff dealership is very community conscious and takes care of their landscaping. He also noted that when these large trucks swing out and make a turn they slow way down and feels that a narrower drive would create some issues with the traffic. He noted that the applicant is making a significant investment in the property to improve it and will be eliminating an eyesore. He is in support of the request.

There being no one else who wished to address the Board, the public hearing was closed.

Kench shared the only communication, which was from the Fire Department, outlining some deficiencies in the site plan and noted the applicant would need to address those prior to moving on to the Planning Commission.

Motion by Berkshire, support by Raisanen to approve case number ZBA-16-2013 filed by Jim Messick, General Manager of Graff Buick GMC Cadillac to grant a variance from section 154.121 to allow a driveway width in excess of 30'.

Commissioner Kulick asked if the motion stating in excess of 30' means to grant the 60' access as request. Commissioner Berkshire clarified the motion to mean to allow an access of 60'.

Commissioner Kulick noted that although he sees some uniqueness to the site, he is not comfortable with a 60' wide access. He further noted that he has seen drivers who couldn't make a turn at 200' wide. He indicated he would like to see some data on what width is required to create a safe turning radius for the larger trucks.

Commissioner Orlik agreed, noting that when the Access Management Standards were put into effect, a lot of this discussion took place and there was never a viable option where 60' was required.

Commissioner Berkshire stated that this is the only auto dealership on Mission so he doesn't feel that the request would create a precedent.

Chairman Fokens noted that he feels the wide openings are a thing of the past and would like to see the applicant incorporate the curb design. He indicated he does not feel like the expansive opening is needed and that the trucks coming from the south are a logistical problem, noting they could have them come from the north. He also noted that if the drive is narrower, the drivers will make the turn, commenting that the width controls the way they maneuver.

Vice-Chairman Palm noted she too would like to see some data on what radius the haulers need and make a decision based on that.

Commissioner Kulick commented that the Fire Department only requires an unobstructed width of 24' and noted that he may be comfortable with something more than 30' but not 60'.

Chairman Fokens called for roll call vote:

Motion failed 1:5.

Motion by Kulick, support by Palm to postpone any further discussion until the applicant provides some engineering data to show what is needed. Commissioner Kulick suggested he would not be opposed to a special meeting if needed as noticing requirements have already been met.

Mr. Graff noted that if there is anything that can be done to move this request forward he would like to see that happen as he fears postponing could jeopardize the purchase of the Sweet Onion property.

Staff noted the applicant still has the option of going to the Planning Commission with the 30' opening that has already been approved by the ZBA.

Chairman Fokens called for roll call vote on the motion to postpone.

Motion approved 5:1.

IX. Old Business:

None

X. New Business

None

XI. Other Business

- A. September Meeting - Staff noted that we will likely have at least 2-3 new cases for September, along with those that have been postponed.

XII. Adjournment

Motion by Raisanen, support by Kulick to adjourn.

Motion approved.

Meeting adjourned 9:08 p.m.

bam

Attachments: Correspondence