

Mt. Pleasant Zoning Board of Appeals  
Minutes of Regular Meeting  
September 25, 2013

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

**I. Roll Call:** Staff called roll.

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

Members Absent: Raisanen.

Staff: Kench, Murphy

**II. Approval of Agenda:**

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

Motion approved.

**III. Approval of Minutes from the August 28, 2013, regular meeting:**

Commissioner Orlik noted a typographical error on page 10 and asked for the following change: *Commissioner Berkshire stated that this is the only auto dealership on Mission so he doesn't feel that the request would create a ~~preedenee~~ precedent.*

Motion by Kulick, support by Palm, to approve the minutes from the August 28, 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-11-2013 - 808-810 Pleasant - Joseph Olivieri.**

Staff introduced case ZBA-11-2013, submitted by Joseph Olivieri, which was postponed from last month. Staff reported that the applicant is requesting a finding under Section 154.007 of the Zoning Ordinance to allow the redevelopment of the existing rooming dwellings into a 7 unit apartment building.

Staff reported that the property is zoned M-2 multi-family and is surrounded by M-2 multi-family. The future land use is designated as multiple residential. Staff reported that the proposed use is permitted in the M-2 Zoning District, and is regulated under a Special Use Permit. Staff further noted that the use is consistent with the neighborhood.

Staff reported that the applicant is proposing to raze the three buildings that are currently on the sites and combine the lots to make one conforming lot. 810 Pleasant currently has a converted accessory building licensed for 6 occupants, along with a two-unit rooming dwelling licensed for 8 (4-4), for a total of 14 occupants and provides only 6 parking spaces. 808 Pleasant is currently a licensed 3-unit rooming dwelling for 13 occupants (4-4-5) and provides only 10 parking spaces. Staff noted that parking is occurring in the drive aisle and in the front yard on a combination of gravel and concrete surfaces. In addition, staff noted that the sites do not comply with the side yard setback requirements of the Ordinance, nor do they meet the required 20 foot front setback.

Staff reported that the lots only have widths of 50 ft, where 66 feet is required in the M-2 district. Although the lot sizes are consistent with other lots in the neighborhood, the applicant is proposing combining the lots to make a conforming lot and construct one 7-unit building to house 29 occupants.

Staff referred to the non-conformities that the applicant is proposing to correct:

- Combine lots to create a conforming lot width for the district.
- Increase the front yard setback to comply with the 20 ft. setback requirement.
- Bring the side yard setback into compliance with the 6.5 ft. requirement.
- Bring the rear yard setback into compliance.
- Eliminate the rear dwelling unit.
- Bring the parking to tenant ratio into compliance, providing 1:1.
- Eliminate the gravel parking area and provide hard surface parking area.
- Increase maneuvering lanes to comply with the Ordinance and fire codes.
- Eliminate stacked parking.
- Remove parking from the front yard.
- Create open landscape areas to meet the 25% required by Ordinance.
- Provide the building area per person in excess of Ordinance requirements.

Staff reported that the sites are currently licensed for a total of 27 occupants. The applicant is proposing an increase in the occupancy to 29 (one per lot) with 29 parking spaces provided.

Staff reviewed the M-2 redevelopment standards that were developed by the Planning Commission and Zoning Board of Appeals, noting the Board would need to determine if the proposal meets the standards to allow the increase in the occupancy.

Staff shared the proposed site plan and elevations provided by the applicant.

Commissioner Kulick asked how the applicant proposes to widen the drive aisle. Staff stated he would defer that question to the applicant.

Joe Olivieri, applicant and owner of the properties, addressed the Board, noting that he didn't have much to add, but answered Commissioner Kulick's question, noting that there was 7-8 feet of area that was available for him to consider with the widening of the drive aisle.

Commissioner Kulick asked about the turnaround required by the Fire Department. Staff commented that there appears to be ample space to meet this requirement.

Commissioner Berkshire asked if increasing the parking lot to widen the drive aisle would decrease the greenspace to the point that it would require a separate variance. Staff indicated there is enough area there so that should not be an issue.

Chairman Fokens asked if the vacated area was now owned by the applicant. Mr. Olivieri stated he did own the vacated area and would have lots of room to provide the turnaround required by the Fire Department. Commissioner Berkshire expressed some concern that the turnaround area might be used as additional parking area. Commissioner Kulick suggested that the applicant post the area as a fire lane and tow anyone who parked there. Mr. Olivieri agreed this would be a good way to prevent that from happening.

Commissioner Berkshire commented that without some sort of landscaping along the south side, the development may begin to look like some of the older developments in the area. Mr. Olivieri commented that there will be landscaping provided, noting the areas on the site plan where it will be.

Commissioner Orlik noted that the protocol that the Planning Commission and ZBA have put in place notes that in exceptional situations two additional occupants may be considered, and noted that he sees a lot of decreases in the non-conformities with this proposal.

Commissioner Orlik noted that this property, unlike many others that Mr. Olivieri has brought to the Board, is owned by him and asked about the list of code violations. Mr. Olivieri responded that most of the code violations in the past were related to the parking situation and trash. He noted that this is always an issue when the homes do not have the proper infrastructure and further commented that the redevelopments generally take care of the bulk of these issues.

Commissioner Orlik asked Mr. Olivieri how long it takes them to get a problem resolved if notified by Code Enforcement. Mr. Olivieri stated they usually like to notify the tenants via e-mail so they have a record of it and will give them a couple of hours to resolve the issue and then if it isn't taken care of, they will take care of it themselves and bill the tenants for the service.

Commissioner Kulick asked if they would be incorporating the stricter lease language. Mr. Olivieri noted that this has become standard.

Commissioner Kulick asked about lighting for the parking lot. Mr. Olivieri stated they would be placing wall lights on the building that would shine out over the parking lot.

Chairman Fokens questioned the elevations that were submitted, noting that they lack the detailing that was provided on the recently redeveloped Washington Street sites.

Commissioner Lents agreed that she would like to see the proposed project dressed up a bit.

Mr. Olivieri commented that he feels that there is a significant difference in the proposals, noting that he is eliminating a significant number of non-conformities and also that this request is really only asking for one additional occupant per lot. Mr. Olivieri commented that by combining the lots and putting only one building on the lots rather than two separate buildings, it keeps the area more open and doesn't block out the sun.

Commissioner Lents noted she would like to see more detail on the Pleasant Street elevation. Vice-Chairman Palm agreed, noting that she feels the south facade looks utilitarian and would like to see it enhanced. She also noted she would like to see some landscaping on the south side.

Mr. Olivieri suggested that if the Board was to grant him his request and was favorable to the idea, he would be willing to work with staff to further enhance the facade. He also noted that unlike the renderings appear, there are actually some jogs in the building that help break it up - it is not one dimensional. In addition, he noted there would be 3 ft. between the parking lot and house that would be mulched and have shrubs placed, which would be irrigated.

Commissioner Kulick acknowledged that the pictures provided in the packet came through pretty dark and likely do not accurately depict what is being proposed.

Chairman Fokens commented on the rear elevation. Mr. Olivieri acknowledged that this elevation was flat; however, also noted that no one would see it. He noted he would be willing to put a gable in the middle to help dress it up a bit and would be willing to work with staff on that.

Vice-Chairman Palm asked if there was any on-street lighting in the area. Mr. Olivieri said there are some street lights in the area.

Staff shared the communications from the Fire Department and the Department of Public Works.

Being no one present in the audience to speak to the case, the Chair moved from the public hearing directly into Board Discussion.

Commissioner Orlik stated that for the most part he feels that the request meets the standards and would be willing to allow staff to be the final arbitrator on the variations in the elevations.

Commissioner Kulick questioned whether it was time to look at the Ordinance to possibly allow three story structures rather than 2 1/2 stories. Mr. Olivieri commented that financially, it would not make a lot of difference; however, would likely still keep the buildings at 2 1/2 stories as there is less mass. Staff noted there may also be additional building code requirements that would kick in with a three story building.

Motion by Kulick, support by Berkshire that the ZBA finds that the proposal reduces the degree of nonconformities to allow the redevelopment of two rental properties located at 808 & 810 Pleasant Street, and meets the criteria established for two additional occupants on the combined sites, based on the number of non-conformities that are being eliminated. The approval is based on the following stipulations:

- 1) The applicant shall meet the requirements of the Department of Public Works
- 2) The applicant shall submit a revised site plan, meeting the requirements of the Department of Fire Safety prior to review by the Planning Commission.
- 3) The applicant shall make modifications to the elevations, acceptable to staff, to bring some relief to the building line prior to review by the Planning Commission.
- 4) The applicant shall implement the stringent lease standards to ensure the tenants comply with all City standards related to trash, litter, nuisance parties, etc.

Motion approved.

**B. ZBA-17-2013 - 403 & 431 E. Bellows - United Apartments.**

Staff introduced case ZBA-17-2013, submitted by Richard McGuirk, on behalf of United Apartments, noting this was a request for a finding on a non-conforming use to permit the combination of two parcels for redevelopment for new rooming dwellings. The applicant is requesting a variance to reduce the required side street yard setback for open porches/gable features and a variance to reduce the required side yard setback that is required when there are multiple buildings constructed on a single lot. Staff explained that when there are multiple buildings on a single lot, the side yard setback requirements increase to equal the height of the building.

Staff noted that the proposed use is an allowed use in the district and is regulated under a Special Use permit and subject to final approval by the Planning Commission.

Staff noted that the property is zoned M-2 Multi-family; however transitions into R-3 to the north.

Staff reported that 431 E. Bellows is currently the site of a four-unit rooming dwelling with five occupants in each unit, and is adjacent to the R-3 zoning district to the north. 403 E. Bellows is currently a licensed single-family rental property. The total occupancy on the two lots is currently 22.

Staff reported that several meetings took place with the applicant, their Architect and Engineer prior to their submission and there have been a number of revisions to the building design and site plan to better fit the character of the neighborhood. Staff reported that the applicant determined the best approach would be to combine the lots, move the lesser density building to the property abutting the Residential neighborhood and move the multi-unit

building deeper into the M-2 district to create more separation. The applicant is also providing additional buffering with fences and landscaping.

Staff noted a number of improvements to reduce the non-conformities on the site that include:

- The access drive to the parking lot adjacent to the owner occupied home at 1036 S. Fancher will be eliminated and parking will be consolidated and accessed off Bellows Street, moving it away from the R-3 District.
- Parking will be removed from the front yard along Fancher. All parking will be consolidated into a new lot for all 22 occupants.
- Parking will be buffered from public view and neighboring properties with landscaping and fencing.
- The site configuration will increase the separation between the higher density dwelling and the residential district, with the one unit rooming dwelling for 6 occupants being placed on the portion of the property adjacent to the Residential district.
- Combining the two parcels will increase land area per person to 832 square feet (900 is required by Ordinance)
- Both buildings will exceed the minimum of 300 square feet per occupant.
- Gravel surfaces, used for parking lots, will be eliminated.
- The non-conforming lot at the corner of Lansing and Bellows will be brought into compliance once the parcels are combined.

Staff reported that the owner of 1035 S. Lansing, the rental property to the north of 403 E. Bellows, was in and discussed the project with staff. He submitted a letter to the Board, noting his approval of the request with a few suggested changes.

Staff shared photos of the existing site and shared the proposed site plan and renderings with the Board, noting that the applicant is not requesting an increase in occupancy for the sites, but wishes to maintain it at 22.

Tim Bebee, Central Michigan Surveying and Development, representing the owner, addressed the Board. Mr. Bebee reported that they deliberated several different ways to package this redevelopment, with 6-7 revisions to the layout, texturing, roof lines, etc., to make the proposal more palatable.

Mr. Bebee also explained how they have addressed the Fire Department's comments.

Mr. Bebee reported that following a meeting with staff earlier in the day, they have added pads for bike racks and have included screening locations/details for the trash carts, and provided a copy of the updated site plan for the Board to review.

Commissioner Kulick spoke about the proposed 6 foot fence and suggested the applicant put a guard rail up to prevent damage to the fence. Mr. Bebee stated that this had already been discussed with staff and they plan to incorporate that into the design.

Mr. Bebee also referred to the letter from the neighbor, who asked that the proposed wood fence be changed to white vinyl, that the privacy hedge be maintained and additional landscaping for buffering purposes be installed along the west property line. Mr. Bebee indicated that the applicant has agreed to all of these requests.

Commissioner Lents asked if the applicant would consider changing their plans for a one unit rooming dwelling for 6 occupants, into a two-unit with three in each unit. She commented that the 6-unit dwelling increases the likelihood of parties.

Mr. Bebee reminded Commissioner Lents that by moving the smaller of the two dwellings to that lot, it reduces the occupancy from 16 to 6.

Staff asked the owner if they had any concerns with their similar developments. Rick McGuirk, owner of the properties, noted that they have not had any issues. He also noted that currently, there are four units on this corner with five in each unit.

Mr. Bebee commented that from the developer's standpoint, looking at their portfolio, they do not currently have a lot of 6 unit dwellings and this gives them more options for prospective tenants.

Commissioner Berkshire asked if staff felt there would be any concerns with more traffic on Bellows Street. Staff indicated he did not see this as being of any concern.

Commissioner Kulick commented that many of the designs offered by Mr. Olivieri were designed in such a way that they could easily be converted into a duplex, noting that this floor plan does not lend itself to be split.

Commissioner Lents asked about the floor plan, questioning whether the basement area was an open area, again noting her concern regarding parties. Mr. McGuirk responded they have strict lease agreements and does not feel like there will be any problems.

Commissioner Kulick noted he is impressed with the thought that went into the project to increase the separation between the single family dwellings and also commended the applicant because they were not asking for an increase in the occupancy.

Being no one present in the audience to speak to the case, the Chair moved from the public hearing directly into Board Discussion.

Staff shared the correspondence received, including two letters of opposition; one from Nancy Robinson, 1016 S. Kinney, and one from Katherine Turner, Kalamazoo, and owner of 1012 S. Kinney; and one in support with modifications to the site plan submitted by Geoffrey Quick, owner of 1035 S. Lansing. In addition, staff noted that the applicant has addressed the concerns presented by the Fire Department.

Commissioner Berkshire questioned what would happen if the properties were joined and the applicant decided at a later date they wanted to sell one of them. Staff indicated that the request runs with the land, and if that happened, they would need to come back to the ZBA.

Commissioner Orlik commented that he feels that it is a good project and noted that there was some misconception in one of the letters of opposition, as there will not be an increase in occupancy.

Motion by Orlik, support by Palm to approve case ZBA 17-2012 filed by Richard L. McGuirk/United Apartments to allow the redevelopment of two single properties at 403 and 431 E. Bellows Street and to grant two separate variances in conjunction with the finding to allow a reduction in the front setback for the gable features/porch construction and a reduction in the side yard setback equal to the height of the building to 6.5 feet to permit a redevelopment on the site with the stipulation that the applicant meets the requests submitted via e-mail by the neighboring property owner to change the proposed wooden fence to maintenance free white vinyl, to maintain the privacy hedge from the west building to Lansing Street and to install additional landscaping buffer along the shared property line.

Commissioner Kulick asked that the motion include the stipulation to install some type of guardrail to protect the fence along the north property line and that the owner incorporate the enhanced lease agreements as requested with recent redevelopments.

Discussion continued on whether there was a need to dress up the building on the north elevation. The applicant noted that the renderings do not clearly show that the four-unit buildings are all off set four feet to help break up the roof line. Board consensus was this would be acceptable.

Motion approved 5:1.

## **IX. Old Business:**

Staff noted that all three cases under Old Business require revisions. It is anticipated that ZBA-14-2013 will be on the November agenda. Staff also noted that Graff is still working on revisions to their site plan and it is unclear whether they will be back in November. In addition, the owner of 903 S. Main has indicated he may just replace the fence rather than update the parking area. He is still considering his options.

Commissioner Lents commented that she has some concerns with maintenance issues on one of the cases and noted she would like to see that addressed. Staff commented that with the increase in the investment, it is hopeful that the developers will increase maintenance as well. Commissioner Kulick noted that perhaps staff could do some research on other properties owned by the applicant.

Commissioner Berkshire commented that although Graff seemed very anxious to get their project underway, they are now postponing. Staff commented that they are working on a design that will meet Ordinance requirements.

## **X. New Business**

None

## **XI. Other Business**

- A. October Meeting** - Staff noted that we will likely have a couple of new cases for October, along with those that were postponed.

Commissioner Lents commented that 1016 S. Main Street is one of the older, more historical homes in the area and suggested that we get some input from the Historical group on that request.

- B. Joint Meeting:** The joint meeting with the Planning Commission and ZBA is scheduled for October 21st to discuss the M-2 Redevelopment codification process.

## **XII. Adjournment**

Motion by Lents, support by Orlik to adjourn.

Motion approved.

Meeting adjourned 8:24 p.m.

bam

Attachments: Correspondence