

Mt. Pleasant Zoning Board of Appeals
Minutes of Regular Meeting
February 26, 2014

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

I. Roll Call: Staff called roll.

Members Present: Ferden, Lents, Orlik, Raisanen, White.

Absent: Berkshire, Fokens

Staff: Kench, Murphy

II. Approval of Agenda:

Motion by Raisanen, support by Orlik, to approve agenda. Motion approved.

III. Election of Officers:

Motion by Orlik, support by Lents to nominate Commissioner Fokens as Chair. There were no other nominations. Motion approved.

Motion by Lents to nominate Commissioner Raisanen as Vice-Chair. There were no other nominations. Motion approved.

Staff turned the meeting over to Vice-Chair Raisanen.

IV. Welcome New Board Member:

Vice-Chair Raisanen welcomed Commissioner Ferden and Commissioner White to the Zoning Board of Appeals.

V. Approval of Minutes from the November 27, 2013 regular meeting:

Commissioner Orlik noted the following correction to page 7 of the minutes:

Commissioner Kulick ~~amended the~~ *modified his* motion, with support from Orlik, that the recorded easement only runs as long as 903 needs the additional parking.

Motion by Lents, support by Orlik to approve the minutes from the November 27, 2013 regular meeting with noted change. Motion approved.

VI. Communications:

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

VII. Public Comments:

Vice-Chair Raisanen opened the floor for public comments.

There being no one who wished to address the Board, the Public Comments session was closed.

VIII. Public Hearings:

Vice-Chair Raisanen explained board proceedings, noting that a quorum was present.

A. ZBA-20-2013 - 916 E. Broomfield.

Staff introduced case ZBA-20-2013, filed by Richard McGuirk on behalf of United Apartments, noting that the application was submitted last November; however, the applicant chose at that time to postpone their request.

Staff noted that the property underwent partial redevelopment in 2004 to replace buildings that were constructed in the late 1960s. The building currently under review was constructed in the 1980's and is the final phase of the project. Staff reported that the applicant is proposing the demolition of this building, which is currently an 18-unit/4 occupant per unit rooming dwelling building and wishes to replace it with a new 18-unit/4 occupant per unit building, with no change in the density. Staff noted that during Phase I & II of the redevelopment, there were a number of updates to the site to improve circulation to comply with fire codes, an increase in the parking from 168 for 256 occupants to 201 spaces; an increase in the width of the parking aisle to accommodate emergency vehicles and an increase in the building area per person to approximately 610 square ft. per person.

Staff noted that the request is for a finding on a non-conforming use, under section 154.007 of the Zoning Ordinance, to allow the redevelopment of the building.

Staff noted that the site is zoned OS-1, and is bounded by C-3/R-3 zoning to the north; M-2 Multiple-Family Residential to the East; C-3 to the south and C-3 to the west. Future land use has been designated as Multiple Residential, Medium.

Staff noted that the OS-1 district is designed to accommodate uses such as offices, banks and business services that serve as a transition between residential and commercial districts. Staff further noted that Single Family homes are a use by right, whereas duplexes and multiple family apartments are regulated under Special Use Permits. If approved by the ZBA, the applicant will need to obtain Site Plan Approval through the Planning Commission.

Staff shared the existing site plan, along with the proposed site plan, noting that there will be some things that the applicant will need to address with the Fire Department in regards to aisle widths.

It was reported that the applicant worked with staff and provided several updates to the proposed project, including enhancing the north elevation of the buildings fronting Broomfield, consistent with what is proposed for the new building.

Staff shared the proposed elevations provided by the applicant, noting that the increased height will help buffer the adjoining properties. In addition, the site is being developed to provide access to the individual dwelling units from the interior portion of the complex, and landscaping is being added along Broomfield and Elva Streets.

Staff reviewed the reductions in non-conformities for the site throughout the various phases of the development:

- Parking Ratios increased during Phase I from 168 to 201 spaces for 256 occupants.
- Density –No change in occupancy proposed from the 2004 approval.
- Phase 1&2 -Building setbacks brought into compliance with district requirements.
- Parking removed from front yard.
- Parking lot maneuvering lanes updated to increase distance between buildings.
- Increase in building area per person -(1:300 ft² based on similar traditionally found in the M-2 District)
- Updated screening and landscaping provided to adjacent properties to enhance the property to adjoining uses.
- Aisle width has been increased from 16' to 20' to comply with recent updates in the fire code.

Tim Bebee, Central Michigan Surveying & Development and Rick McGuirk addressed the Board.

Mr. Bebee reiterated that they will be taking down an 18 unit building and will be replacing it with an 18 unit building. He noted that the occupancy will remain the same with each unit having four bedrooms. In addition, he reported that although the footprint of the building is slightly smaller, there will be more floor space in the new units.

Commissioner Orlik asked for clarification on the parking, commenting that this will be a continuation of non-conformity. Staff noted that was correct; however, referred to the other non-conformities that would be eliminated with the request.

Vice-Chair Raisanen asked Mr. McGuirk if any of the tenants complained about not having enough parking.

Mr. McGuirk stated they have not had any problems, noting the proximity to campus makes walking/biking more feasible.

Commissioner Orlik referred to the list of code violations on record, noting that most of them were related to parking in a handicap accessible space and questioned whether there was anything in the re-design that would address that.

Mr. Bebee responded that they are attempting to encourage more use of bikes and have added bike racks in three separate locations, where currently they have none.

Commissioner Orlik asked if there was anything in their lease language that spoke about penalties for parking in a handicap space, and if not, would they be opposed to putting something in the lease language. Mr. McGuirk indicated there was not, that currently they rely on City Code Enforcement and Police Department to handle that type of violation; however he noted that they do include segments from City Code regarding nuisance parties etc. He further noted that they could certainly add some language to their lease to address that type of violation and also stated that they have a monthly newsletter for tenants and could include something in that as well as their resident's guidebook.

Vice-Chair Raisanen commented that she too felt that the lack of respect for handicap parking is a concern. She asked whether the site had any provisions for shuttles or bus stops.

Mr. Bebee stated they did not currently have anything included in the plans; however noted that there would be room for a bus shelter at the Elva Street entrance. Mr. McGuirk also noted that some of their other nearby complexes provide that type of service and they would be open to pursuing that at this site as well. Mr. Bebee stated he believes that ICTC installs the bus shelters and suggested he work with staff and ICTC to see if this could be accomplished.

Commissioner Lents asked staff if that could be included in the motion if it is something that is controlled by ICTC. Staff indicated they could make the recommendation that the applicant explore that option.

Vice-Chair Raisanen questioned what they have in place or propose for security. Mr. McGuirk noted that as one of the owner/operators of the business he is involved in the daily operations. He referred to their lease language, which has been revised and reviewed by the Board that is referred to in most all of the new student developments. In addition, he noted that they employ an outside security company, Safety First Security, on Thursday - Saturday nights, from 11:00 p.m. - 3:00 a.m. In addition, during all of the high activity weekends, they step up their security and presence.

Commissioner Orlik asked what type of site lighting was being proposed. Mr. McGuirk indicated they would be installing LED wall packs, which are down shielded to meet City regulations.

Commissioner Orlik referred to the write-up submitted by the applicant, which notes that the applicant has worked with staff to incorporate architectural details, asking staff if the proposed updates to the existing buildings facing Broomfield are satisfactory. Staff noted that they were.

Vice-Chair Raisanen asked staff if any correspondence was received. Staff referred to the correspondence from the Department of Fire Safety, again noting that the applicant will need to resolve outstanding issues before proceeding to the Planning Commission.

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

Board Discussion:

Commissioner Lents noted that before making a motion, the Board should review the criteria necessary to rule in favor of the applicant.

Staff noted that this request is not a variance request, but is a finding of fact on a nonconforming use and provided a brief summary on the difference between the two.

Commissioner Orlik noted the decrease in non-conformities, noting the improvements to the interior circulation to comply with fire codes, along with the increase in aisle width to accommodate emergency vehicles. Staff added that along with the proposed enhancements to the existing buildings and they have included several updates to comply with the fire code such as placement of new fire hydrants on site; opening up the site to provided aerial access; adding greenspace and landscaping; putting in 2 hour fire separation walls over the 1-hour walls currently in place; and providing better access all around the building/s. In addition, it was noted that the Board may wish to consider the development as a whole, taking into consideration the non-conformities that were eliminated with Phase I & II of the project. There is also no increase in the number of occupants and/or the number of dwelling units on the site.

Motion by Orlik, support by Lents to approve Case ZBA-20-2013 filed by Richard McGuirk to allow the redevelopment of an 18 unit rooming dwelling for 72 occupants at 916 E. Broomfield as the final phase of the redevelopment on a finding that the project has significantly reduced the non-conformities on the site and improves safety. The approval is contingent on the following:

- 1) The applicant shall update the two buildings along Broomfield consistent with elevations provided.
- 2) The applicant shall include language in the lease agreements to help protect the handicap parking spaces.
- 3) The applicant shall work with staff and ICTC to explore the possibility of establishing a new bus stop at this complex.

Motion approved.

IX. Old Business:

A. ZBA-15-2013 - 215 Pine.

Staff introduced case ZBA-15-2013, and reviewed the information presented last August to the Board. The applicant wishes to create a duplex from the existing single-family home and is requesting a variance to reduce the required land area for a duplex.

Staff noted that the property is zoned OS-1. Duplexes in an OS-1 district are regulated under a special use permit. If the ZBA approves the variance, the applicant will be required to appear before the Planning Commission for site plan approval and a Special Use Permit.

Staff described the surrounding area as C-2 to the north and east, and OS-1 to the south and west. In addition, staff shared a description of the surrounding area, noting a mix of single family rentals; owner occupied homes; rooming dwellings; multi-unit apartments and duplexes.

Staff shared a site plan of the site, noting that the project meets setback requirements, and showing that the applicant is proposing removing the parking from the front, and relocating it off the alley.

Staff also shared the list of improvements the applicant is proposing to make to the property and noted that in response to the Board's postponement in August, the applicant has provided more detail on the proposed floor plan.

Staff noted that this case is a typical variance request and the Board will need to review the findings of fact to determine if the request meets the requirements for granting a variance.

Barrett Lehr, applicant, addressed the Board. Mr. Lehr commented that he noticed with the previous case that the Board is concerned with architectural designs. He noted that although he does not have unlimited funds, he feels that with the proposed new roof, siding and windows, the home will be one of the nicer ones on the block.

Mr. Lehr commented that at the August meeting, there was some concern over how many renters would be in the building. He stated that the Ordinance allows no more than 2 unrelated in each unit and he further commented that his target is not undergrad students. He is targeting grad students or young professionals.

Mr. Lehr referred to the floor plans that were submitted, noting that there will be two apartments; one upstairs and one downstairs, with a common area for a washer/dryer. Each apartment will have two bedrooms, one full bath and a living/dining/kitchen area.

Mr. Lehr noted that currently the home is only a single story home on the back side. His plan is to tear off the roof and put a 2nd story on the back. The remaining areas will be updated with all new kitchens and bathrooms.

Commissioner Ferden asked for clarification on the access for the 2nd story unit. Mr. Lehr noted the access would be off the back, with a covered stairway.

Commissioner Orlik noted that when the request first came before the Board in August, the applicant was not the owner of the property and asked Mr. Lehr if he was now the owner. Mr. Lehr stated he was not, he has not purchased the home, awaiting the outcome of the variance request.

Vice-Chair Raisanen asked the applicant about the lease terms. Commissioner Lents added that other developers/landlords have submitted a copy of their leases for review and asked if there is language that addresses parties, parking, garbage, etc. She added that the Board likes to have assurance that the owner is helping with nuisance issues.

Mr. Lehr responded that he currently has two other rentals and is not aware of any neighbor issues with either of them. He noted that if he receives notices regarding garbage, he goes and talks to the tenants and then follows up to assure they have taken

care of the problem. He also noted there is a party clause in the lease and there are fines for violating.

Vice-Chair Raisanen noted that the applicant provided a rendering of the home noting little in the way of detailing, and asked about proposed landscaping.

Mr. Lehr reiterated that although he has limited funds, he tries to create some curb appeal. He stated that the home currently has old gray shingle siding, which will be replaced with vinyl siding. Along with the new roof and windows, he stated he feels this home will stand out as one of the nicer ones in the neighborhood.

Commissioner Lents asked if the applicant is considering adding shutters, porch railings, etc. to add some details and also asked about the proposed location of the trash cans.

Mr. Lehr commented that in his experience, shutters are a maintenance issue and he is not planning on adding any. He spoke of the landscaping, noting that the revised site plan shows the trees on the site and indicated shrubbery would be added in the front. He also explained there would be an alcove along the northeast side of the house that would keep the trash cans out of site of Pine Street.

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

Staff noted there was no new correspondence.

Board Discussion:

Commissioner Orlik stated that he is concerned with the density issue, and with three owner occupied homes in the immediate surrounding area, he feels that no matter what quality of building materials the applicant proposes, if we allow this, it may become the new standard.

Commissioner Lents stated that in order for the Board to be able to grant the requested variance, the request has to meet all of the criteria. She continued, stating that she does not feel there is anything unique or that there are extraordinary circumstances or conditions that would prevent the property from being used as a single-family dwelling, and does not feel that there is any basis for granting the request.

Commissioner Orlik noted for the sake of the new Board members, that motions are made in the positive to avoid confusion; however, the maker or supporter of the motion is not necessarily in favor of the request.

Motion by Orlik, support by Lents to approve Case ZBA-15-2013 filed by Barrett Lehr, to grant a variance from section 154.051(C-9) to allow a duplex to be established at 215 Pine Street, on a parcel having less than 8,500 square feet of land area.

Motion denied 0:5.

Motion by Orlik, support by Lents to deny the variance request.

Motion carried 5:0.

X. New Business

None

XI. Other Business

A. March Meeting - Staff noted that there will potentially be a couple of new cases on the agenda.

B. M-2 Codification Process - Staff reported that the consultant from Rowe Professional Services has completed his report of the M-2 Codification process and the Board will likely be receiving that information in the near future.

XII. Adjournment

Motion by Ferden, support by White to adjourn.

Motion approved.

Meeting adjourned 8:12 p.m.

bam