

Mt. Pleasant Zoning Board of Appeals
Minutes of Regular Meeting
June 25, 2014

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

I. Roll Call: Staff called roll.

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

Absent: Berkshire, White.

Staff: Kench, Murphy

II. Approval of Agenda:

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

III. Approval of Minutes from the April 23, 2014 regular meeting:

Motion by Orlik, support by Lents to approve the minutes from the April 23, 2014 regular meeting as written. 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-02-2014 - 911 S. Main, Joe Olivieri.

Staff introduced case ZBA-02-2014 submitted by Joe Olivieri, on behalf of the owners, noting that the request is for a finding on a non-conforming use under section 154.007 of the Zoning Ordinance. The applicant is requesting consideration to allow the reduction of the required land area per person from 900 square feet of land area per occupant to 894.6 square feet to permit the construction of a new two-unit rooming dwelling for nine occupants.

Staff noted that this case falls under the M-2 redevelopment guidelines and the Board will need to consider whether the reconstruction is a decrease in non-conformity.

Staff reported that if the ZBA renders a finding that the proposal is a decrease in non-conformity, then the applicant will need to go before the Planning Commission for both Site Plan Approval and a Special Use Permit.

Staff reported that the site is zoned M-2 multiple family and is surrounded by M-2 properties. The future land use calls for Multiple-family medium.

Staff noted that section 154.054 of the Ordinance addresses Rooming/Boarding dwellings, and that the proposal will meet those requirements. The lot is a conforming lot for the M-2 zoning district. In addition, it was noted that the proposed dwelling will meet all setback requirements for the district.

Staff shared the proposed site plan and proposed elevations, noting that the plan fits into the character of the neighborhood. In addition, staff shared the proposed interior layout of the dwelling along with photos of the existing site.

Staff referred to the code enforcement history of the property, noting that the majority of the complaints were related to either solid waste or parking violations. The proposed development will likely eliminate many of those issues.

Staff reviewed the reductions in non-conformity with the proposed redevelopment:

- Site yard setbacks will be brought into compliance
- Parking ratios will be brought up to 1:1, with an additional space
- Parking will be hard surfaced (currently gravel)
- Parking lot maneuvering lane will be provided to comply with Ordinance and fire code.
- Stacked parking will be eliminated along drive and parking lot off alley
- Parking will be removed from the front yard along Main Street.

Staff noted that the site is currently licensed for 8. There is sufficient land area for 8.95, lacking 12" in depth for 9. Staff also noted that the existing building is small and the new development will provide additional building area per occupant, bring this into compliance. Staff concluded his report, noting that the proposal is consistent with the M-2 Redevelopment Standards and procedures.

Joe Olivieri, applicant, addressed the Board. Mr. Olivieri noted that in the past, the Board has been concerned with out-of-town landlords. Mr. Olivieri commented that this property is owned by his cousin and he has been asked to manage the property.

Mr. Olivieri noted that the actual footprint of the building will be smaller, allowing for more green area. He further commented that the proposal fits into the neighborhood better than the existing ranch style home.

Commissioner Orlik asked about the interior layout. Mr. Olivieri noted that the dwelling will be divided into two units, with four on one side (two up and two down), and five on the other side (there will be an addition on the back of one side to allow 3 down and 2 up).

Commissioner Lents asked if this property would have enhanced language in their lease as with other recent developments. Mr. Olivieri noted they would have the same language.

Commissioner Lents commented that before the request goes to the Planning Commission she would like to see some trees included on the site. Mr. Olivieri noted that could happen.

Commissioner Raisanen referred to the number of violations for trash/solid waste and questioned whether the capacity of the trash carts would be sufficient for 9 occupants. Commissioner Raisanen further questioned whether the trash would be picked up in the alley or the street, and if the street, if they could put something in their lease that would prevent them from leaving the carts out front.

Mr. Olivieri noted they could; and further referred to their policy that if they get a call from Code Enforcement, they will contact the tenants. If not taken care of within the allotted time, the management company will take care of it and charge the tenants.

Commissioner Raisanen expressed concern with site drainage. Mr. Olivieri noted that the engineers would determine what was needed for drainage and further noted that the Department of Public Works requirements would also need to be met - that this isn't a choice a developer has, but a requirement that needs to be met.

Commissioner Raisanen commented that she would like to see windows added to the back of the dwelling and suggested this is something the Planning Commission may want to consider.

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

Kench shared the correspondence from the Department of Fire Safety and Department of Public Works.

Board Discussion:

Commissioner Orlik commented that he feels this is an easy request, as the applicant is removing 7 non-conformities in exchange for a very small increase in occupancy.

Motion by Orlik, support by Lents to approve case ZBA-02-2014 submitted by Joe Olivieri, Olivieri Homes on behalf of Derek & Carol Naas, seeking a finding on a nonconforming use under section 154.007, to allow redevelopment for a two unit rooming dwelling at 911 S. Main Street.

The Board finds that the redevelopment removes seven non-conformities in exchange for one additional occupant for a total of nine occupants.

Motion approved.

IX. Old Business:

A. ZBA-01-2014 - 1707 W. Pickard - Garrett Seybert.

Staff introduced case ZBA-01-2014, which was postponed from the April meeting. Staff noted that since the April meeting, the applicant has made several revisions to their request. Whereas the original request included a land area variance for two duplexes, a variance to reduce the required buffer along the parking area and a slight increase in the amount of impervious surface, the applicant has revised the request.

Staff reported that the new request involves keeping the single family home that is currently on site and adding one duplex. The only variance that will be required with the revised request is a slight increase in the amount of impervious surface from 40% to 54.5%.

Staff reminded the Board that they had asked for a postponement at the April meeting as they were not comfortable with the request to reduce the land area for duplexes. Commissioner Orlik clarified that the postponement was actually requested by the applicant.

Staff noted the purpose of the impervious surface is to allow proper run-off from the property, however, noted that the applicant is working with the county drain commissioner to assure there are no problems. Staff also reported that there is a county drain that runs through the property that the applicant will be able to tie into.

Staff shared the elevation drawings of the proposed duplex and noted that the applicant will also be making upgrades to the existing single-family home.

Commissioner Raisanen asked if there was a grading plan. Staff responded that they will be required to submit a grading plan for approval by the Department of Public Works prior to obtaining building permits.

Commissioner Ferden asked if both buildings would have similar appearances. Staff noted he would ask that the applicant address that question.

Commissioner Orlik referred to the e-mail chain that spoke of the Leah Drain and wondered if there would be any documentation on that. Staff noted that there would, and that a building permit could not be issued until that is provided.

Phil Seybert, on behalf of Garrett Seybert, addressed the Board. Mr. Seybert responded to Commissioner Ferden's question, noting that the majority of the improvements to the single family home would be interior, with some minor exterior improvements. The outside of the single family home will not change much, there will be some masonry work done on the porch, the eaves will be closed in and the wood trim painted.

Commissioner Ferden commended the applicant for their efforts to keep the single-family home and noted that she feels this project will be a good investment to the community.

Commissioner Raisanen noted that she had spoken with John Zang, Director of Public Works, who indicated requirements regarding drainage that will need to be met. Commissioner Raisanen noted that there is a new Ordinance being proposed and

questioned whether this project would be in compliance. Mr. Seybert stated that the project will be in compliance with the current ordinance and that they would meet the requirements of the Department of Public Works.

Commissioner Raisanen continued to express concerns over run-off. Mr. Seybert reminded Commissioner Raisanen that by law they **have** to control the storm water run-off and they will **have** to comply with DPW requirements.

Chairman Fokens explained that although a public hearing was held in April, the floor would again be opened for public comments based on the changes in the request.

Norm Assmann, 1712 Mary Ann, addressed the Board, noting that his property backs up to the single-family home. He indicated that his initial concern regarding drainage has been addressed by Mr. Seybert. He indicated a second concern, regarding screening between the duplex and single-family rentals and the owner occupied homes in back of it. He noted he would like to see a fence put up as screening. Other than that, he noted he thought the project looked nice.

Chairman Fokens noted that the Planning Commission would be where Mr. Assmann should make the request for screening.

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

Kench shared correspondence from the Department of Fire Safety and Department of Public Works. In addition, he referred to additional correspondence from Bill McCracken, voicing support of the project and from Steven Wiczorek, who expressed concerns with water run-off, noting that if this is controlled properly, then he would not have an issue with the project.

Board Discussion:

Commissioner Orlik commended the applicant on preserving the single-family home and noted that the Planning Commission could look at screening options in the back yard.

Commissioner Raisanen noted a concern that the site plan shows no grading or landscaping and suggested this is something that the Planning Commission may also want to consider.

Commissioner Lents questioned staff the drainage issues. Kench noted that he was part of the review team that is looking into the new Ordinance. He noted that with this particular property, there should not be any issues - that there are a lot of options for this site.

Kench also noted that the ordinance regulating parking for duplexes, which requires 6 spaces, also plays into the impervious surface coverage. Commissioner Orlik noted that for this particular site, being on such a busy street, the parking is important to allow vehicles to turn around on site rather than back onto Pickard Street.

Commissioner Lents thanked the neighbors for bringing their comments and concerns to the Board.

Motion by Orlik, support by Ferden to approve ZBA-01-2014 submitted by Garrett Seybert, owner of the property at 1707 West Pickard Street, seeking a variance from section 154.051 (C-9a) to allow a duplex to be established on a parcel having less than 8,800 square feet of land area, a variance from section 154.051(C-9d) to permit a reduction in the 5 foot buffer to 3.7 feet and to allow an increase in the maximum percent of impervious surface on the development/s from 40% to 56 % as required under section 154.095 S.

It was noted that the new request only involved an increase in the impervious surface. Commissioner Orlik moved to modify the motion:

Motion to approve ZBA-01-2014 submitted by Garrett Seybert for the property at 1707 W. Pickard Street to allow an increase in the maximum percent of impervious surface from 40% to 54.5 based on the applicant's ability to develop a grading plan to address the potential for increase in runoff for approval by the City DPW/Engineer. Support by Lents.

Motion approved.

Commissioner Lents noted that she would take the requests to the Planning Commission to have them consider screening, landscape and grading issues.

X. New Business

None

XI. Other Business

A. July Meeting - Staff noted that there have been no new cases submitted at this time; however the deadline is not until June 30.

B. Softball Tournament - Staff announced that the city was hosting a girls softball tournament this weekend.

C. Commissioner Orlik reminded the audience about the Movies by Moonlight. This activity is free of charge.

XII. Adjournment

Motion by Lents, support by Ferden to adjourn.

Motion approved.

Meeting adjourned 7:50 p.m.

bam