

Mt. Pleasant Zoning Board of Appeals
Minutes of Regular Meeting
July 23, 2014

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

I. Roll Call: Staff called roll.

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

Staff: Kench, Murphy

II. Approval of Agenda:

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

III. Approval of Minutes from the June 25, 2014 regular meeting:

Commissioner Orlik noted a misspelling of Mr. Olivieri's name on the first page.

Motion by Lents, support by Ferden to approve the minutes from the June 25, 2014 regular meeting with 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-03-2014 - 501 E. Grand.

Kench introduced case ZBA-03-2014, noting the applicants, Greg and Pam Hansen were requesting a variance under section 154.121 of the Zoning Ordinance to allow a 6' privacy fence to be constructed within the required side street setback. Kench explained that the Ordinance restricts fencing in the required front yard and the side street yards to 3 feet and 50% open.

Kench reported that the property is zoned R-2 as are the surrounding properties and the future land use map designates the area as Urban Residential.

Kench shared the GIS map, showing the placement of the home on the lot and explained the process for determining the side yard restrictions. In this case, the side yard setback would need to be maintained at 12 1/2 feet from the side lot line.

Kench shared an illustration showing where the fence would be allowed by Ordinance, explaining that there are some fences in the area that exist within the required setback, noting

that there may have been some different interpretations of the Ordinance in the past or fences were possibly constructed without zoning approval.

Kench shared the site plan, showing the proposed fence location.

Commissioner Orlik referred to the comment submitted by the Department of Public Works (DPW), which indicated placement of the fence up to the sidewalk would prevent the city using a V-plow in the future. Commissioner Orlik questioned what amount of space would be required for a V-plow. Kench responded that he couldn't answer that as he doesn't know what type of equipment they would be considering for use.

Pamela Hansen, applicant, addressed the Board, noting they would be willing to move the fence in 4' from the sidewalk; however, they would still require a variance. Mrs. Hansen shared a photo of the site, noting the proposed location of the fence. Mrs. Hansen stated they would like to put up the fence for privacy reasons and also to contain their dogs. She further noted that there are several homes in the area that have fences similar to what they are proposing. She noted that the home is quite large, taking up a significant portion of the lot space and has a sun porch on the back that further encroaches into the yard. If they are required to meet Ordinance standards, they would lose 12 1/2 ft. of their yard.

Mrs. Hansen showed several photos of fences in the area showing that the line of sight from the corners was not an issue. She also shared photos of their lot, showing several large trees along the area where the proposed fence will go, noting that the fence will not impede the line of vision any more than the existing trees.

Chairman Fokens asked if the Hansens were the original owners of the property and referred to a deed restriction on the property that would prevent any permanent structures from being placed on the back property line, to prevent drainage issues.

Mrs. Hansen indicated she could not really address that issue, but noted that because there are many other fences in that same area, she did not feel that the fence would be an issue. She further noted that they would like to have the same privileges that others in the area are enjoying with their properties.

Commissioner Ferden asked if there was a permanent drain there. Chairman Fokens noted that the drain was further to the north. Commissioner Ferden questioned where the impediment would be. Commissioner Berkshire noted that a solid fence may constrict the water flow.

Commissioner Orlik asked if the applicant would consider a chain link fence. Mrs. Hansen replied that a chain link fence would not allow for the privacy that they were seeking, especially since this is a highly traveled area.

Commissioner Orlik questioned whether deed restrictions were enforceable by the ZBA. Kench responded that they were not.

Vice-Chair Raisanen noted that it appeared from the discussion and the site plan supplied by the applicant that any drainage issues created by the proposed fence would only be affecting the drainage in her own yard. Mrs. Hansen noted that their lot is substantially higher than the others and there has never been an issue.

Mr. Greg Hansen addressed the Board noting that even after the last hard winter and with 3 1/2 - 4 ft. of snow, there were no drainage issues; and there has been no one in the area that has had an issue with drainage. He further commented that the fence would be on the upside of the slope.

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

Kench shared the correspondence from DPW, noting the comment regarding the snow removal. DPS also responded that they had no concerns with the request.

Board Discussion:

Commissioner Lents commented regarding the drainage issue, noting that it doesn't appear that there would be any negative effect on the neighboring properties. She further commented that she appreciates the comment from DPW regarding snow removal, but wished they had given some dimensions on what would be required for the v-plow.

Vice-Chair Raisanen noted that she felt requiring the fence be moved 4' inside the sidewalk is excessive. She further noted that if the home were at the north end of the drain it would be more of a concern with her; however, it appears the drainage issues would basically only affect the applicant.

Commissioner Lents also commented that if the applicant had not applied for the side yard variance, they would've been able to put the fence up along the back without the ZBA's permission.

Commissioner Lents reviewed the criteria necessary to allow the Board to grant a variance. It was noted that the placement of the home on the lot, along with the size of the home limits the applicant's options. It was also noted that there are a number of other properties in the area where a six foot fence is installed in a similar manner. The Board further recognized that this type of request is infrequent, and there were no objections from neighboring properties to indicate that it would be a detriment to the area.

Motion by Raisanen, support by Ferden to approve case number ZBA-03-2014 filed by Greg & Pam Hansen, who reside at 501 E. Grand Avenue for a variance from section 154.121 to construct a six ft. fence within the required side street yard along Crosslanes.

Commissioner Berkshire suggested amending the motion to require the fence be placed 6" from the sidewalk. Commissioner Orlik suggested it be moved 2' from the sidewalk, as he did not feel 6" would accomplish anything. Discussion ensued.

Pam Hansen commented they would be fine with moving the fence in 2' from the sidewalk.

Amended motion by Raisanen, support by Orlik, to approve case ZBA-03-2014 filed by Greg & Pam Hansen, who reside at 501 E. Grand Avenue for a variance from section 154.121 to allow a 6' fence to be constructed within the required side street yard along Crosslanes, provided the fence be placed at least 2' from the sidewalk.

Motion approved.

B. ZBA-04-2014 - 604 S. Main - Joseph Olivieri.

Kench introduced case ZBA-04-2014, noting that this is a request for a finding on a non-conforming use under Section 154.007 of the Zoning Ordinance to allow an addition on the existing building and expansion of the parking lot.

Kench reported that the site is currently licensed as a Registered Student Organization (RSO) dwelling, which are generally found in the M-2 zoning district and regulated under a Special Use Permit.

Kench reported that the property is currently licensed for 16 occupants; however is limited due to only having seven sleeping rooms, and limited parking. Kench noted that the property is zoned R-3, as are the surrounding properties. The property to the north is a single family dwelling; to the east is a RSO dwelling, to the south is a single family dwelling and to the west is a single family duplex.

Kench noted that the Future Land Use is designated as Urban Residential and also noted that this property is in the target area for the Owner Occupied Incentive Program that was established by the city in 2005.

Kench shared the site plan showing the adjoining properties, lot sizes and established uses, noting there are a number of non-conforming RSOs in the neighborhood, mixed in with owner occupied single family homes and some single-family rentals. He also shared the proposed elevations and photos of the existing site.

Kench noted that the request is to construct an addition onto the existing home and increase the number of parking spaces.

Kench pointed out that this request differs from previous requests as the property is north of High Street and is zoned R-3, where the use is not a permitted use in the district. Kench referred to the sample lease that was provided by the applicant, which indicates the occupancy would be limited to 12. They currently have 11 commitments for the upcoming school year. The applicant is not proposing a decrease in the licensed occupancy of 16, but wishes to increase the size of the building to accommodate this number. Kench noted that the Board would need to determine if this request could be reviewed under section 154.007.

Vice-Chair Raisanen asked if this property would be eligible under the Owner Occupied Incentive Program. Kench acknowledged that it would.

Commissioner Berkshire noted that if sold, the property could continue its use as a rooming dwelling. Kench noted that it could, provided the license had not lapsed for over a year. If the RSO would choose to relocate to the M-2 zoning district, they would be required to obtain a new Special Use Permit for the new location and comply with all zoning provisions.

It was noted that in the R-3 Zoning District, any new rentals or newly constructed homes would be limited to no more than two unrelated persons.

Joe Olivieri, applicant, addressed the Board, noting that he does not own the home. The owners asked that he explore the possibility of tearing down the home and rebuilding as *he* has been doing in the M-2 zoning district. Based on previous feedback from the Boards, Mr. Olivieri recommended to the owners that they put an addition on the existing home, to maintain the character of the home. He further noted that they met with several of the neighbors, listened to their concerns and tried to address the concerns with this request. Mr. Olivieri stated that

dumpsters have always been a problem and therefore, they are proposing trash carts. Parking would be brought up to Ordinance standards and the "party deck" on the back would be removed in an effort to control the noise. A smaller gathering spot would be placed on the side of the home.

Mr. Olivieri addressed comments made in letters that were submitted to the Board in opposition of the request noting that some indicated the home would be too large for the area. He noted that if the preference was to tear it down, he could put in a building with a smaller footprint that would accommodate the current licensed occupancy and would allow for more green space.

Mr. Olivieri commented that some individuals feel that if the area north of High Street is left alone, the non-conforming RSOs/Rooming Dwellings will go away; however, he feels they are there to stay as this is the area the students wish to live.

Commissioner Berkshire commented that the lease alluded to twelve occupants even though the property is licensed for sixteen and asked how many tenants have actually been there the last couple of years.

Kurt Feight addressed Commissioner Berkshire's question, commenting that the occupancy has been down the last couple of years. They currently have 11 signed up for the upcoming year.

Commissioner Berkshire commented that the lease limits it to 12, but with the addition, they would have 16.

Mr. Olivieri reiterated that the property is licensed for 16 now.

Mr. Feight provided some information on his connections to the city, noting that he takes pride in what he does and wishes to make the property better. He stated that they are ashamed of the current condition of the property. The property was purchased by the Fraternity in 1983 and has been licensed for 16 since 1984. Numbers are down because of the competition, as kids want their own bedroom/bathroom etc. They are trying to meet the demands and improve the quality of the brothers. Mr. Feight also commented that this is one of the oldest fraternities and they understand the issues that are of concern to the neighbors, and noted they are trying to work with the neighborhood and want to be good neighbors. Mr. Feight referred to the letters that were submitted to the Board, noting that the homeowners knew when they purchased their homes that it was a student neighborhood.

Commissioner Berkshire asked if the applicant would be willing to reduce the occupancy and redo the home. Mr. Feight responded that would be like asking someone to take a pay cut - that cutting back on the occupancy would substantially reduce the revenue, noting that they barely break even at 8 occupants. Commissioner Berkshire questioned the discrepancy in occupancy - 8 or 12? Mr. Feight stated that 8 is the break even number. He further stated that if you reduce the revenue you reduce the ability to make capital improvements on the property.

Chairman Fokens asked if Mr. Feight thought they could get 16 occupants if the request was granted. Mr. Feight felt sure they could.

Commissioner Ferden noted that if they reduced the number of tenants but improved the property, they may be able to attract more exclusive tenants. Mr. Feight stated they may be willing to give up two and reduce the occupancy to 14.

Chairman Fokens opened the Public Hearing.

Ken Smith, 103 W. Maple, addressed the Board in opposition of the request, noting trash problems, property damage and undesirable behavior of the tenants in the past.

Sam Raisanen, 507 S. University, addressed the board in opposition of the request, noting that as one of the families that recently purchased in the area, they were under the impression that the city would try to limit the rental units in the area as it is included in the Owner Occupied Incentive area. In addition, he noted a concern with the number of "unofficial" residents that are attracted to fraternities.

Susan Paton, 517 S. Washington, spoke in opposition of the request, referring to the Master Plan. She further noted concerns with litter, solid waste, lack of maintenance, parking configuration and the size of the proposed building.

David Stairs, 109 W. Locust, spoke in opposition of the request, referring to the historical aspects of the neighborhood and concerns with maintaining the architectural integrity. Mr. Stairs also urged the Board to consider the concerns of the long-term residents who are vested in the community.

Captain Rick, ~~Commanding Officer of the ROTC at CMU~~ *commander of the Naval ROTC Unit* at the University of Michigan in Ann Arbor addressed the Board representing the members of the Fraternity, voicing approval of the plan, noting that they have received commitments from several alumni. They are willing to invest 1/2 million into the property and wish to make it more of a home than a party place. He commented that he believes the trash issues were due to a miscommunication between the Fraternity and the waste management company.

Merlin Ekstrom, 607 S. Washington spoke in opposition of the request, noting the lack of maintenance on the existing home, the size of the proposed building and parking lot, overflowing trash carts, traffic, noise and the number of occupants.

Mary Ellen Crain, 201 W. Locust, spoke in opposition noting the deterioration of the present home and questioned whether they would take better care of the new home.

Mott Johengen, 613 S. Main, spoke in opposition of the proposal, noting behavioral issues, excessive partying and noise, lack of maintenance and the size of the proposed home.

Commissioner Orlik noted that we have a five minute rule and the Board has been very generous.

Tyler Grinblatt, Chapter President, spoke on behalf of the Fraternity, noting that they have been making improvements to the interior of the home. He commented that the addition would be bedrooms, noting that they would be phasing out the parties. They feel the addition would improve the appearance of the home and attract better brothers.

Alexis Daily, 601 S. University, spoke in opposition of the request, noting agreement with many of the reasons already expressed. She also stated she is very concerned with the parking area and the amount of impervious surface, noting it is way over the allowed limit.

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

Kench shared the correspondence received in opposition of the request, including letters from Merlin & Ireta Ekstrom, Doug & Shelli Sias, Susan Paton, and one from Jane Ashby, who requested it be read into the minutes. Vice-Chairman Raisanen read the letter from Ms. Ashby. Kench also noted the correspondence from DPW and DPS, indicating that all correspondence received would be attached to the minutes and be made part of the permanent record.

Board Discussion:

Commissioner Berkshire asked Kench about the concerns expressed by the Director of DPW regarding the impervious surface. Kench explained that the City is currently working on a storm water ordinance that has not yet been adopted.

Kench further commented that the question for the Board is whether they feel this request qualifies under the non-conforming standards, noting that the M-2 Redevelopment document speaks specifically to the M-2 zoning district, whereas this property is located in the R-3 District. The Ordinance allows them to continue the same use with no increase or enlargement in the degree of non-conformity. He noted that on paper, it would appear that we are increasing density.

Vice-Chair Raisanen commented that the renderings provided are very handsome and would work well in the M-2 zoned area. She expressed concerns that if this project were approved it would likely decrease the odds that it would ever revert to a single family dwelling.

Commissioner Lents agreed that the plan is beautiful but is in the wrong location. She commented that without a City Planner and no plan in place for the area north of High Street, she would not be comfortable supporting this. She further commented that the City Commission needs to look at this area and decide how they wish to move forward.

Commissioner Orlik commented that this is a fundamental issue, noting that the City has made a clear distinction in the area south of High Street being M-2 and encouraging the R-3 uses north of High Street. He commented that there are several situations where these dwellings have been grandfathered in and if approved, it appears that we are endorsing these situations. He commented that he could not support this request.

Chairman Fokens commented that the ZBA needs to look for a reduction in non-conformities and he does not see that with this request.

Motion by Berkshire, support by Lents to approve Case Number ZBA-04-2014 filed by Joe Olivieri Homes/ZETA Rho Housing Corp., seeking a finding on a nonconforming use under section 154.007, to allow an expansion of the RSO Dwelling and updates to the parking area at 604 S. Main Street with the following conditions placed on the approval:

1. Any landscaping, barrier or screening between adjacent properties to be developed with consent of that neighbor. This includes consideration of saving existing trees.
2. Owners will include in lease agreement with each member of the fraternity similar requirements that other owners have been required to include in the recent past, including holding the owners liable and responsible for conduct and violations of residents.

3. Further each and every lease with residents will ban alcohol and drugs from the property, prohibit outside parties after 10:00 p.m. on weeknights (Sunday through Thursday) and after midnight on Friday and Saturday, restrict attendance at any event on the property to no more than 40 individuals, including residents.
4. Owners will ensure that garbage and refuse is picked up weekly by a service, that lawn is mowed weekly, sidewalks and parking lot are kept clear of snow and ice, property is kept clear of broken glass, clutter and trash and that refuse and garbage containers are conventional and adequate for the trash that is accumulated or a screened dumpster that is lockable.
5. Owners will conduct monthly inspections of property to ensure area is cleaned up and in accordance with neighborhood expectations and requirements of the lease.
6. Owners will provide the phone number and email address of the responsible person who represents the owners in Mt. Pleasant whom neighbors can call when there are complaints regardless of the day or hour of day or night.
7. Outside lighting required by city should be positioned so as not to interfere with neighbors.
8. Parking area and driveway will have curbs and not cement blocks to prevent cars from parking on grass.

Commissioner Lents commented that she likes these conditions and would like to send them to the Planning Commission as she feels this would be a good starting platform to bring new life into these worn down RSOs on Main Street.

Commissioner Lents asked Kench to review the list of non-conformities that would be eliminated with this request. Kench responded that the Board needs to determine under Section 154.007 if there is authority to consider the request as the issue with this property involves density and there is no reduction being planned. Further, Section 154.007 B1, permits the continuation of the use but there can be no increase or enlargement in the degree or manner of nonconformity. The license indicates 16 occupants; the lease restricts the property to 12; and the actual number signed up this year is 11. It appears from the application and supporting documents that an increase in occupancy is being requested.

Chairman Fokens called the question. Kench took roll call vote.

Nays: Ferden, Lents, Orlik, Raisanen, Fokens, Berkshire.

Motion failed 6:0

Motion by Orlik, support by Berkshire to deny Case ZBA-04-2014, noting that the Board finds the proposal will expand the nonconforming use on the property and therefore under 154.007 B-1, the request may not be approved. In addition, there is no change in the use of the property to allow a review under section 154.007 B-5. The Board believes that allowing increases in the building and potential increases in density in the R-3 District is a policy decision left with the City Commission.

Motion to deny approved 6:0.

Commissioner Lents asked Kench to prepare a memo to the Planning Commission and City Commission asking that they discuss this area. Kench noted that the City is currently going through the Master Plan process, noting that if new standards need to be put in place, this is a good time for the Planning Commission and City Commission to address.

Commissioner Orlik commented that he feels we have done a wonderful job of improving the area south of High Street, and added that this is a difficult situation and a fundamental issue. He further commented that this is a good project, just the wrong location.

Vice-Chair Raisanen also noted that there are still many single family homes in the R-3 area and several neighbors spoke who feel strongly about preserving the neighborhood.

IX. Old Business:

None

X. New Business

None

XI. Other Business

A. August Meeting - Staff noted that there have been no new cases submitted at this time; however the deadline is not until August 4, 2014.

XII. Adjournment

Motion by Lents, support by Raisanen to adjourn.

Motion approved.

Meeting adjourned 9:15 p.m.

bam

Chair

Mt. Pleasant Zoning Board of Appeals

320 W. Broadway

Mt. Pleasant, Mi 48858

July 18, 2014

Dear Chair,

This is written in response to the application to be considered that has been submitted by Zeta Rho Housing Corporation. Our home is located at 607 S. Washington which is across the fence on the South side of the Sigma Chi fraternity parking lot. Our views, concerns and/or requests are listed below:

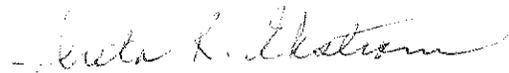
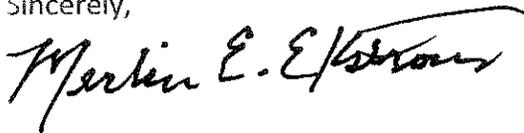
1. Square footage of fraternity house at 604 S. Main will almost double. Population of occupants will significantly increase from the number of men who have resided at the house over the past several years. The population density proposed for the property seems excessive. We are concerned about the number of occupants for which the property was apparently initially approved years ago – our understanding is 16. On each side of the Sigma Chi lot on Washington St. single family homes are located.
2. Traffic in and out of the single entry/exit point proposed on Washington Street will at least double from current level. Currently entry also occurs off of Main St.
3. Although there may be sufficient space on the lot to meet parking requirements it will lead to very limited landscaping and more asphalt and parking spaces and less opportunity for nice landscaping and aesthetic appeal.
4. Insufficient space appears to be have been designated for trash containers on the drawing we have seen. Concealment of the trash receptacles from view of homes adjacent to property and from Washington St. is very important. A substantial amt. of trash will be generated by number of occupants proposed for the property.

REQUESTS:

1. Carefully consider if it is in the best interest of the community to have this large proposed structure in the neighborhood considering the zoning for which single family occupancy supposedly is being emphasized.
2. If project is approved please require maximum attention to proper screening with greenery/trees that are of a maturity that screens property from street and is aesthetically pleasing. Trees in tandem with low decorative fence may be best at the Washington Street side.

3. Require Sigma Chi to work with adjacent property owners in landscaping design of green space selection of plantings and means of screening. Provide either higher fencing or provide sufficiently mature planted trees to shield parking lot from view from street and elevated houses which have high foundations – built in 1915 and 1916. Entry/exit driveway will have to be designed with safety and aesthetics of lot in mind.
4. To greatest extent possible retain the mature maple tree which is within the required 6 ft. green perimeter zone on the South side of lot. The tree is beautiful and provides much screening in the summer from the view of parked cars as viewed from our dining room window. Also there is a large spruce at the East end of parking area which is to South of fraternity house. Please retain that tree too. It is part of a cluster of evergreens that were planted at the same time as those located on my property. Provides a nice aesthetically pleasing backdrop view. Removal of the two mature trees specified would be heart breaking and unnecessary. Care must be taken to retain mature trees unless not absolutely possible.
5. For gathering space to the South of the renovated house please provide adequate noise abatement in planning of space so if outdoor parties or events occur neighbors will not be unduly disturbed.
6. Landscaping of the property is of great importance to us as neighbors and that includes screening. Also the traffic increase in and out of the lot is a safety concern and most likely will lead to more noise for neighbors immediately adjacent to lot.

Sincerely,



Merlin E. and Ireta R. Ekstrom

607 S. Washington

Mt. Pleasant, MI 48858

989-773-6378 (Home)

Mt. Pleasant Zoning Board of Appeals
320 W. Broadway
Mt. Pleasant, MI 48858

To the Chair of the Zoning Board,

This letter is in response to the application that has been submitted by Zeta Rho Housing Corp. We have owned our home in this neighborhood for close to 20 years. We take pride in our home and realize we live in a mixed use neighborhood. We are tolerant of our neighbors. We are surrounded by single family homes, duplexes as well as sorority and fraternity homes.

We are NOT in support of the increased size of the home at 604 S. Main Street. The increased size of the renovated structure that is proposed does not fit into the existing neighborhood. It is simply too large!

When we purchased our home we were under the impression that the city was working on moving this type of housing south of High Street. We have seen too many single family homes, with change of ownership, turn into rooming houses while the city turned a blind eye. Come take a walk through our neighborhood and you can witness the negative affect this has caused.

The home at 604 S. Main Street has been in disrepair for as long as we have lived here. Over the years many people felt it should be condemned. Please do not allow the house to double in size when the current tenants have not been able to take care of the existing 2666 square feet. Why is it necessary to double the structure when it is currently zoned for 16 tenants?

We are concerned that the addition of a house this size will bring down our property values. We are concerned about snow removal, increased traffic, noise and added activity.

We support renovation of the current footprint and would like to see improvements in the green space, the Washington Street parking and also additional screening of the parking lot. Please carefully consider the wishes of current tax paying residents of the neighborhood when making a decision on this request.

Sincerely,

Doug and Shelli Sias
623 South Washington Street

To the members of the Zoning Board of appeals:

My name is Susan Paton, and I have owned the home on the northwest corner of Washington and Maple for 15 years. I am writing today to put forth my strong objection to Olivieri Homes/Zeta Rho Housing Corps application for a finding on their nonconforming use for the property at 604 South Main. I have grave concerns about this proposed project, primarily as it does not keep to the guidelines for neighborhoods north of High Street, as laid down in the City's Master Plan, and because it encourages continued, or even increased, fraternity presence in an historic neighborhood that, at least where Washington Street is concerned, is still primarily single family.

The Master Plan for the City of Mount Pleasant, under its section on 'Neighborhoods,' calls for keeping the "integrity of an existing neighborhood." The Plan encourages conversion of older multi-resident homes back to single family or two family, while retaining, if possible, their historical character. These goals are particularly noted in the Main Street Overlay area (Main Street north of High Street). Here the appropriate use is very clearly spelled out: single family homes, two family homes, or professional office spaces are preferred, along with a continued promotion of historic preservation. As such, I do not see anywhere in the City's Master Plan that an increase in the size of a fraternity structure in this area is to be encouraged. I do not see anywhere that covering one of Mt. Pleasant's lovely older houses with a pseudo-suburban façade is to be encouraged. And I do not see how paving a parking lot for 18 cars falls into any beautification or preservation plan for an older neighborhood.

Additionally, the Master Plan calls for an increase in Code Enforcement personnel. Certainly the extra employees will be needed if the Sigma Chi property is enlarged. According to an article in *CMLife*, Sigma Chi is second only to Delta Chi, whose charter has been revoked, in their number of code infractions. Of the dozens of violations since 2009, most are for litter and 'solid waste.' In Zeta Rho's own application they suggest a switch from a dumpster to covered trash bins to "increase the odds of the trash making it into the carts." (That is in their own words, emphasis mine). And, it must be asked, if there is so much trash now when there is a dumpster present, how could these smaller containers handle the load?

In the application the building as it stands now is referred to by the developers as an 'eyesore.' Yet we are to believe all will be fine when a new building is erected. Suddenly the property will be maintained and kept tidy with no continued dumping of 'solid waste'? Apparently there will no longer be the dead shrubs and broken concrete that the application mentions that are there now. And the new paved parking lot (a further reduction in neighborhood green space) is promised to be well maintained and 'quiet,' even though currently the area is most certainly not. Removal of Main Street access means all the cars will now pull out onto equally busy Washington, unfortunately between two single family

homes. Additionally, with the former party deck gone surely this lot will serve as the outdoor party spot. Though the developers claim to have thought of this and designated a screened off party area on the south side, I, for one, could not only fail to locate it on the plans provided, I most certainly would not welcome it if I could.

This application brings to the Washington / Main neighborhood nothing short of a cause for great concern. A building that has doubled (!) in square footage to nearly 5,000 square feet with an 18 car paved lot in a double city lot? A new structure that towers over the single family homes that abut it? And one must ask, why are there so many fraternity brothers in there now if it is so uncomfortable? Why do they not just reduce their occupancy? Are we really to believe that the occupancy numbers, 'official' or not, will stay the same when the square footage and amenities increase? After all there seems to be confusion about official numbers as there is. The lease notes 12 people living in the space, each paying \$400 a month, but the report notes 16 living there. Forgive me for being skeptical about this matter.

In conclusion, this change will bring about a monstrous, out-of-place building with a potential for even greater issues of noise, trash, parties and the lot. The building should never have become an "eyesore" in the first place. The residents or management company should have been taking better care of the property all along. Bigger, better, and newer will not solve these problems. The sororities along the 400-600 block of Main Street are well maintained and well behaved; perhaps they deserve better Greek neighbors. And those of us who have made the commitment to preserving, improving, and maintaining our beloved older homes in this R-3 neighborhood deserve better as well.

Thank you,

Susan Paton

517 South Washington

989-400-9005

July 18, 2014

Dear Chairman and Members of the Zoning Board of Appeals:

Thank you for considering this letter as you form your decision about the variance requested in ZBA-04-2014. As I am not able to attend the hearing on 7/23/2014, I would like this letter to be read into the record. I oppose the granting of this variance for several reasons which include; a decrease in green space, an increase in the possible size of parties, the contribution of a new source of daily noise to the neighborhood, the visual intrusion on the surrounding properties, and a poor trash management plan. Together, these impacts of the new construction will undermine the livability of this neighborhood for decades to come.

When purchasing my house in 2009, I was very happy to be able to live near enough to downtown to regularly support local businesses and yet be near the University. The R-3 zoning played a major role in my decision to buy this property. I enjoy the vitality of this diverse neighborhood and appreciate the existing ratio of professionals to students that is crucial to maintaining a family-oriented lifestyle. The R-3 zoning ensured that this balance would be preserved, and it allowed the possibility of an increase in the number of single family homes in the coming decades. Essentially, the R-3 Zoning was a promise between the City, who wanted to maintain vital, professional neighborhoods to support the downtown economy, and the families who made substantial investments to preserve these older homes. It is a good deal for both parties.

The stated intent of the R-3 zoning is that existing boarding houses and RSO's will continue to operate in their current structures, and these buildings will turn over to single family units as they are sold. This variance for 604 S. Main Street will allow the construction of a new 2,278 sq. ft. building to supplement the existing structure, which means that a nearly 5,000 sq.ft building and a parking area will rest on a lot that is less than 1/3 of an acre. Although legally termed a request for variance, this application reads more like a request for spot zoning; the applicants are requesting that the current zoning be ignored. Please consider the following list of undeniable, physical changes that will result from the granting of this application.

1. The increase in density will decrease the available green space and increase the amount of pavement. This pattern is the inverse of what is considered good practice for cities. The poor maintenance of the current grounds described in the application is not a reason for eliminating existing green space. It simply indicates an unwillingness to hire a landscaping company to handle the weekly lawn maintenance not performed by the occupants - as the rest of us in the neighborhood do.
2. The new building may not double the number of residents, but it will double possible occupancy of the property in an area that is already overrun with students on Thursday through Saturday nights, ten months a year. The parties can be twice as large. I have noticed an increase in disruptive noise in the neighborhood over the last five years as the consistency of enforcement has declined, according to an article this year in CMU Life. Thus, nearly doubling the building size will reduce the quality of life experienced by families on the weekends.
3. If the property's third floor dwelling space is unsafe or not up to code, then residents should not be living on that floor. This could be achieved by reducing the number of residents at the fraternity. Similarly, improved living quarters could be obtained by building a new Sigma Chi house in a section of town that is zoned for student activity.
4. According to the North Elevation described in the plans, the new building will loom over the back yards of single family residences on Main and Washington. This will undermine the outdoor space of

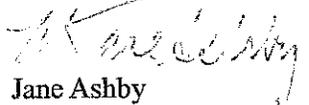
at least four surrounding single family homes. Having windows where none existed before will yield new visual intrusions that reduce the privacy of the surrounding properties on a daily basis. Student windows will emit student music and other noises that threaten to disrupt the sleep schedules and the relaxation of those who work traditional hours.

5. The trash management plan is not adequate. The limited success of trash management when using a dumpster suggests that residential trash cans will not have sufficient capacity to handle the waste generated by the house. The sanitation problems described in the application letter can be resolved by gating the dumpster and/or closing its lid.

In short, the problems this application proposes to address with a new building can be addressed in a much simpler fashion: reduce the number of residents in the house, pave and line the parking lot, screen the dumpster, and retain a landscaper. Therefore, the new building is not required in order to address existing health and safety issues in this R-3 zone.

New buildings do not necessarily improve a neighborhood. In this case, granting the requested variance will negatively impact the daily lives of the surrounding families for decades to come.

Sincerely,



Jane Ashby
612 S. Washington Street
Mount Pleasant, MI



THE CITY OF MT. PLEASANT, MICHIGAN

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401 N. Main • 48858-1698
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(989) 773-4691 fax

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1303 N. Franklin • 48858-4682
(989) 779-5400
(989) 772-6250 fax

Site Plan\Special Use Review – DPW Office

Due Date: 7/11/14

Address of Development: **604 S Main**

Project Description: Proposed Addition

Submit two (2) sets of the final site plan and storm water detention calculations for final site plan review and D.P.W. permit fees determination.

Director:

Huge expansion in residential area. This very large increase in impermeable surface (building and parking lot) is a concern. Currently the city does not have an ordinance in place to protect neighbors and the City from added storm water runoff and the new ordinance to control this is not yet adopted.

The current parking is in violation. New parking lot construction will double parking. Building ordinance requires 300 feet per building occupant. The current home has 142 (not 185) Property drive set back is supposed to be 6.5 ft. the New drawing shows the parking 3 feet from neighbors. I also question ordinance on drive opening from single family residents. Screened in party area explained in developers summary is not shown on drawing

Engineering:

- Sewer capacity charge will apply if larger meter is required.
- Sidewalk through driveways must be minimum 6" thick. All broken sidewalk must be replaced.
- Comply with storm water management requirements and submit plans and calculations for review.
- Comply with Isabella County SESC requirements.
- Grading for storm water runoff from site improvements shall not adversely affect adjacent properties.

Street Department:

Water Department:

Contact water department to coordinate location and tapping of main for any new water services that may be required prior to excavation. Construction must meet requirements of City Ordinance Section 52.06 for water services; separate water services or separate meters with key-lock valves accessible to City staff. MF

Wastewater Department: No increase in occupancy, so no concerns. S. Hein



**Mount Pleasant Fire Department
804 E. High Street
Mount Pleasant, Mi 48858**

City of Mt. Pleasant Zoning Board of Appeals

Monday July 14, 2014

Residence

**604 S Main ST
Mt. Pleasant, MI 48858**

A Site Plan Review was conducted on Monday July 14, 2014 and revealed the following requirements listed below.

ORDER TO COMPLY: Since these conditions are contrary to code, you must correct them upon receipt of this notice. Please provide our department the documentation that verifies compliance with the code.

This list shall not be considered all-inclusive, as other requirements may be necessary, additional requirements are located in Chapter 5 and appendixes B, C, and D of the 2006 Edition of the International Fire Code.

If you have any questions regarding this matter, please feel free to contact me at (989) 779-5122.

Violation Code

1 PROPERTY Identification

ZBA-04-2014 604 S Main St Mt Pleasant MI. 48858

AERIAL ACCESS ROAD Where Required

Buildings or portions of the buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial; apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway, in accordance with Appendix D, Section D105.1 of the 2006 Edition of the International Fire Code.

AERIAL ACCESS PROXIMITY Proximity to building

At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building, in accordance with Appendix D, Section D 105.3 of the 2006 Edition of the International Fire Code.

AERIAL ACCESS ROAD WIDTH Road Width

Fire apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of any building or portion of a building more than 30 feet in height, in accordance with Appendix D, Section D 105.2 of the 2006 Edition of the International Fire Code.

City of Mt. Pleasant Zoning Board of Appeals

BUILDING IDENTIFICATION Buildings Shall Have Address

Provide building identification numbers in accordance with Chapter 5, Sections 505.1 and 505.2 of the 2006 Edition of the International Fire Code.

DUMPSTERS Dumpster Locations

Dumpster's and containers with a capacity of 1.5 cubic yards or more shall not be stored in buildings or placed within 5 feet of combustible walls, openings or combustible roof eave lines in accordance with Chapter 3, Section 304, and 304.3.3 of the 2006 Edition of the International Fire Code.



Beltinck, Richard Allen

Lieutenant

Mount Pleasant Fire Department