

Mt. Pleasant Zoning Board of Appeals
Minutes of Regular Meeting
2/25/15

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

I. Roll Call: Staff called roll.

Members Present: Berkshire, Ferden, Friedrich, Orlik, Raisanen.

Absent: Fokens, White

Staff: Kench, Murphy

II. Welcome new Board member:

Kench welcomed Commissioner Friedrich to the Board as the newly appointed cross-over member from the Planning Commission.

Kench also introduced Jacob Kain, who was recently hired as the City Planner, welcoming him to the City.

III. Election of Officers:

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

Motion by Berkshire, support by Ferden to nominate Commissioner Raisanen as Vice-Chair. There were no other nominations. Motion approved.

Staff turned the meeting over to Vice-Chair Raisanen.

IV. Approval of Agenda:

Motion by Berkshire, support by Orlik to approve the agenda as written.

Motion approved

V. Approval of Minutes: October 22, 2014

Motion by Orlik, support by Berkshire to approve the minutes from the October 22, 2014 meeting.

Motion approved.

VI. Communications:

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

VII. Public Comments:

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

A. ZBA-01-2015 - 301 S. University (208 E. Illinois) - Chippewa River District Library

Commissioner Friedrich noted that as the applicant for this case, he would recuse himself from the discussion.

Kench introduced Case ZBA-01-2015, filed by Corey Friedrich on behalf of the Chippewa River District Library. The Library is seeking a variance from Section 154.121 of the Zoning Ordinance to allow the reconstruction of the parking lot with a 4 ft. reduction in the required width for a width of 112 feet where 116 is required by Ordinance. Kench explained that the library is an allowed use in the OS-1 Service District. Kench reported that the property to the north is zoned C-2 Central Business; to the east, south and west is OS-1. The surrounding properties consist of a mixture of institutional, residential and semi-public uses.

Future land use is designated as Business district.

Kench shared the proposed site plan, noting that when this type of use is located within 300 feet of a municipal parking lot, there is no additional off-street parking required. Kench further explained, however, that any updates to the lot requires compliance with the zoning ordinance. Kench noted that the ordinance requires a 10 foot landscaped greenbelt on each side of the parking lot abutting Wisconsin and Franklin Streets; however he noted that the landscaped greenspace shown on the west side of the parking lot is a vacated alley and is not required.

Kench reported that although the City's legal counsel suggests that the vacated alley is owned by the adjacent properties; the library does not share that view. Kench referred to the memos included in the packets from the City Attorney and Rowe Professional Services Company.

Kench shared photos of the existing site, and reported that the applicant has been in contact with the Fire Department, and the Fire Department is satisfied that the project is within the required 150 feet of an approved fire department access road.

Commissioner Orlik referred to the differing opinions offered in regards to ownership of the alley. Kench stated that the City is comfortable with the library utilizing this space.

Commissioner Raisanen questioned whether the City should re-plat this area if they have vacated the alley, questioning whether if in the future the City changes their mind, would it hold up in court. Kench explained that the City Attorney's opinion indicates that it is not necessary to re-plat and reiterated that the City is comfortable with the opinion offered by our legal counsel.

Commissioner Ferden questioned whether the property that runs through the Sacred Heart Academy was handled in a similar fashion. Kench indicated it was likely similar; however, indicated he would need to research that to answer definitively.

Steve Clark, Rowe Professional Services, addressed the Board representing the applicant. Mr. Clark stated that the library wishes to replace the deteriorating parking lot. The lot currently extends to the lot lines and the reconfiguration would allow them to conform to the greenspace requirements and return the alley to greenspace. Mr. Clark noted that there is a city sanitary sewer main that runs under the alley and it is understood that if the sewer main should need to be dug up, it would be up to the owner to cover any replacement costs of anything that was constructed there.

Mr. Clark also noted that with this plan they will be able to meet the required aisle widths, the size requirements and the angle requirements. The only thing they are lacking is the four feet in width.

Corey Friedrich, applicant, addressed the Board, adding that the Library will need to secure a loan for this project, and the bank may be unlikely to give the loan if they were constructing something other than greenspace over the alley.

Commissioner Orlik acknowledged that if the alley is replanted as greenspace the only thing they would need to tear out is the grass.

Commissioner Ferden questioned if they would be able to leave the alley paved if they reconstructed the parking lot. Commissioner Ferden explained that the bank may be more inclined to loan the money if they didn't do anything with the alley.

Mr. Friedrich stated it would be possible, but they would prefer to add additional greenspace. Mr. Clark added that it wouldn't be as practical, noting the additional impervious surface, drainage, etc. He also noted that they wish to improve the functionality of the lot and feels that by leaving the alley paved it would defeat the purpose of the proposed one-way design.

Commissioner Berkshire noted that the reconstruction plan eliminates a number of spaces.

Vice-Chairman Raisanen commented that she likes the design, and noted that she feels the current configuration is dangerous. She asked if there would be any pedestrian access.

Mr. Clark commented that there is not a proposed walkway. Pedestrians would be able to enter through the parking lot, walk through the greenspace or enter on the other side of the building.

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

Kench referred the Board to the correspondence received from Hall & Bolles, the Department of Public Works (DPW) and the Department of Public Safety (DPS).

Board Discussion:

Motion by Berkshire, support by Raisanen to approve Case ZBA-01-2015, filed by Corey Friedrich, on behalf of the Chippewa River District Library, seeking a variance from section 154.121 of the Zoning Ordinance to allow the reconstruction of the parking lot with a 4 ft. reduction in the overall width.

The Board finds the conditions necessary under section 154.164 have been met to grant the variance request.

Commissioner Orlik questioned that if 1/2 of the alley is to be covered with greenspace, what about the 1/2 owned by the church. Vice-Chair Raisanen questioned the applicant on whether the church planned to put in greenspace on the other half of the alley.

Mr. Friedrich explained that the proposal includes putting the entire alley to greenspace.

Commissioner Ferden questioned whether the applicant was asking the city to re-plat the land, noting she feels there needs to be more discussion on this issue.

Kench indicated that this discussion would likely take place between attorneys.

Commissioner Berkshire commented that granting the variance wouldn't affect that. Commissioner Orlik added that by putting in the greenspace, it protects the area as greenspace.

Motion passed.

B. ZBA-02-2015 - 206 W. Maple - St. John's Episcopal Church - postponed.

C. ZBA-03-2015 - 1024 & 1026 S. Main - Joseph Olivieri

Kench introduced case ZBA-03-2015 submitted by Joseph Olivieri requesting a finding on a non-conforming use under section 154.007 of the Zoning Ordinance. The request involves the redevelopment of the two sites under the M-2 Redevelopment guidelines adopted by the ZBA and Planning Commission in 2012. The applicant is proposing to raze the buildings on both lots, combine the lots and construct a RSO dwelling for 18 occupants. The combined lots are currently licensed for 16 and the applicant is requesting an additional occupant per lot to bring the total to 18.

Kench reported that the property is zoned M-2 multiple-family and is surrounded by M-2 properties. Future land use calls for multiple-family residential and the use is compatible with the Master Plan. The use is an allowed use regulated under a Special Use Permit. If approved by the ZBA, the applicant will be required to appear before the Planning Commission for SUP and Site Plan approval.

Kench shared the proposed site plan, noting that the combined parcels will bring the property into compliance in regards to lot width and lot area. The applicant indicates that the proposal will bring ten different areas of non-conformity into compliance with the zoning standards.

Kench noted the nonconformities that would be brought into compliance or *reduced* with this request as:

- 154.095 - Lots combined creating conforming parcel for lot width and lot area. (50ft & 5,015 to 100&10,030)
- 154.095 - Increase in building area per person to comply with 1:300. (251/376)
- 154.120 - Increased Parking Ratios greater than 1 to 1 for occupancy. (7/10 to 20/18)
- 154.121 - Parking will be hard surfaced. (gravel lots currently provided)
- 154.121 - Parking lot maneuvering lane will be provided to comply with ordinance and fire code.
- 154.121 - Stacked Parking will be *reduced* for two parking spaces to accommodate the two additional spaces required for an RSO.
- 154.095 - Side Yard Setbacks- brought into compliance. (5' / 6.5'+)
- 154.095 - Separation distance of 12' minimum between buildings will be brought into compliance. (10'-11" / 12+)
- Existing dwellings do not provide the required 25% open green space in the side and rear yards. The updates will *increase* the open area to 12% overall from 7.9% (1024) and 8.5% (1026).
- 154.095 - Front Yard Setback will be brought into compliance. (19'-5" / 20' with permitted porch encroachment)

Kench reported that the applicant met with the Fire Department and reduced the height of the building so that the parking lot would be brought into compliance with the Zoning Ordinance.

Kench shared the proposed elevations and noted that the applicant is working on screening options for the parking area. Kench noted that the Board may wish to consider allowing the applicant to eliminate the two additional parking spaces required for a RSO, which would eliminate the two stacked parking spaces and increase the greenspace.

Kench shared photos of the existing site and current parking area conditions.

Kench referred to the density, noting the combined lot size will provide 10,030 square feet of land area. Under current standards, the density would be limited to 11 occupants although the sites are currently licensed for 16; 8 occupants at 1024 and 8 occupants at 1026. The applicant is requesting board consideration for an additional occupant per lot to bring the total to 18 based on other reductions in non-conformity and improvements on the site.

Commissioner Berkshire asked about the other lots in the M-2 zoning district and how the density compares with this request. Kench shared a comparison of other properties in the 1000 block of South Main Street, noting that most of the properties are non-conforming.

Joe Olivieri, applicant, addressed the Board, noting that this project is similar to others he has done in the neighborhood.

Commissioner Berkshire commented that 1026 appears to be in decent shape and questioned whether Mr. Olivieri had considered keeping the house and building onto it. Mr. Olivieri stated that he would be unable to get the required parking on the lot if he did that. Mr. Olivieri explained that with these redevelopments the first thing they have to consider is the parking requirements. Everything else is centered around getting that right.

Vice-Chair Raisanen asked how 802 S. Main compared with this request in regards to density. Mr. Olivieri stated he believed it was close - around 600 square ft. per person.

Vice-Chair Raisanen commented that the report and applicant write up indicates the parking on the lots is currently gravel; however noted that she believes the driveways are paved. Mr. Olivieri clarified that the back parking area is road gravel, noting that he has owned 1024 for approximately 35 years.

Commissioner Berkshire asked if 18 occupants were required to make the project financially viable. Mr. Olivieri responded that it was, as the Sorority wishes to have handicap accessibility, including a stair chair lift, and fire suppression. He further indicated that the demolition costs would be high on this project as one of the homes is cinder block.

Commissioner Orlik questioned the letter from the applicant dated January 28th, which seemed to contradict itself in regards to trash accumulation. Mr. Olivieri clarified that in one area he was speaking of 802 S. Main and in the other was referring to the current proposed site. He further commented that there will always be problems; however noted that the difference is this sorority takes a lot of pride in their home and he doesn't anticipate any problems with this one. He also noted that this is a "dry" sorority.

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

Kench shared the correspondence received, which included letters of support from Tim Driessnack and Brandon LaBelle, both owners of properties in the area, and also the correspondence from the DPW and DPS.

Vice-Chair Raisanen noted that the comments from DPS only listed 1026 S. Main. Kench noted that the comments include both sites, which would be combined into one parcel.

Motion by Ferden to approve Case Number ZBA 03-2015 filed by Joe Olivieri, Olivieri Homes seeking a finding on a nonconforming use under section 154.007, to allow redevelopment of the properties for a new RSO Dwelling for the ASA Sorority at 1026 S. Main Street.

The Board finds that the redevelopment will reduce the manner and degree in nonconformities.

The Board finds that the redevelopment will be an improvement to the neighborhood and that the conditions agreed upon in the M-2 Redevelopment guidelines have been met to grant the request to increase the occupancy by one additional occupant per lot to permit 18 occupants.

The approval is subject to compliance with the site plan, building elevations presented to the board, and the owner/applicant implementing more stringent lease standards to ensure that tenants comply with all City standards related to trash, litter, nuisance parties, etc.

Commissioner Orlik stated he would support the motion if it was revised to 17 occupants as he does not feel that the request meets the standards for allowing an increase of two.

Commissioner Ferden stated that we are dealing with two lots and feels that there needs to be an incentive to developers and stated her motion remains for 18 occupants.

Commissioner Orlik withdrew his support.

Motion was supported by Berkshire.

Commissioner Berkshire reviewed the findings of fact and the M-2 redevelopment standards, noting that he is concerned with reducing the land area per occupant to 578 square feet.

Discussion ensued on ADA regulations and how that may affect the building and parking layout. Kench indicated that there are ADA requirements in the building code which would be dealt with separately.

Vice-Chair Raisanen questioned the applicant on whether the project could be done with less occupancy, which would help reduce the need for stacked parking.

Mr. Olivieri responded that he doesn't feel the stacked parking would be an issue with this project; and further commented that he is following the M-2 standards in regards to nicer buildings, irrigation, etc.

Commissioner Orlik reiterated that he doesn't feel this project is unique and doesn't feel that it merits the additional two occupants. He indicated he may agree to 16, possibly 17, but not 18. Vice-Chair Raisanen agreed that there isn't anything unique about this project.

At this time the applicant requested a postponement of his case to provide an opportunity to revise the project to address some of the concerns that were raised.

Motion by Berkshire, support by Friedrich to postpone ZBA Case 03-2015 for 30 days or until the applicant is ready to bring it back to the Board.

Motion passed.

D. ZBA-04-2015 - 316 W. May - United Apartments - MMI LLC - postponed.

E. ZBA-05-2015 - 1023 S. Main - Main Place Apartments, LLC/United Investments, Inc.

Kench introduced ZBA Case 05-2015, submitted by Richard McGuirk, noting that this was a request for a finding on a non-conforming use under Section 154.007 of the Zoning Ordinance. The applicant would like to raze the existing rooming dwelling and construct a new rooming dwelling and is asking for consideration to increase the licensed occupancy by one as part of the finding.

Kench reported that the property is zoned M-2 and is surrounded by M-2 zoning, with Rooming dwellings to the north, east and south and a RSO to the west. Future land use is designated as Multiple-Family.

Kench reported that this use is a regulated use in the M-2 zoning district and if approved by the ZBA, the applicant will need to appear before the Planning Commission for a Special Use Permit and Site Plan Review.

Kench shared the proposed site plan along with photos of the existing site conditions. The parking currently consists of a combination of gravel and stacked parking. The new parking configuration provides ample maneuvering room for vehicles backing out of the spaces and will be located in back of the home, bringing the building closer to the front property line. The applicant also provided a landscape plan which was shared with the Board.

Kench shared photos of the existing site and the proposed elevations.

Tim Bebee, Central Michigan Surveying and Development, addressed the Board as representative for the applicant. Mr. Bebee explained that they currently have over 800 ft of land area per person and they are asking for consideration for the additional occupant. Mr. Bebee reported that they have met with the Fire Department to assure they can meet their requirements, they have provided ample green space and have incorporated several building features.

Commissioner Berkshire asked about the mature trees on site. Mr. Bebee indicated they would likely need to be removed. The current home sits at the back of the lot, with the entire front portion of the lot completely vacant. They will bring the home up on the lot to allow improved site access and parking; will conform to all setbacks and will bring the site into compliance with the exception of land area per person.

Commissioner Orlik asked if they would be eliminating the curb cut off Main Street. Mr. Bebee responded they would. Vice-Chair Raisanen asked if there would be any access off Main Street. Mr. Bebee stated there would not.

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

Kench shared the correspondence received; one e-mail of support from Tim Driessnack and the requirements from the DPW and DPS.

Commissioner Berkshire asked about the stricter lease agreements. Mr. Bebee indicated that his client is actually the one who created the lease agreements.

Motion by Berkshire, support by Orlik to approve Case Number ZBA 05-2015 filed by Richard L. McGuirk owner of Main Place Apartments, LLC/United Investments, Inc., seeking a finding on a nonconforming use under section 154.007, to allow redevelopment of the property at 1023 S. Main Street for a new Rooming Dwelling for six occupants.

Commissioner Berkshire reviewed the non-conformities that would be eliminated as:

- 154.095 - Rear Yard Setback will be brought into compliance
- 154.095 - Increase in building area per person to comply with 1:300
- 154.120 - Increased Parking Ratios 1 to 1 for occupancy
- 154.121 - Parking will be hard surfaced
- 154.121 - Parking lot maneuvering lane will be provided to comply with ordinance and fire code
- 154.121 - Stacked Parking will be eliminated
- 154.095 - Side Yard Setbacks will be brought into compliance
- The applicant will implement more stringent lease standards to address nuisance violations.

In was noted that the Board finds that the redevelopment will be an improvement to the neighborhood and that the conditions agreed upon in the M-2 Redevelopment guidelines have been met to grant the request to increase the occupancy by one additional occupant to permit 6 occupants. The land area permits 5.42 occupants; however our Ordinance requires that we round down to the next whole number, which in this case would be five.

The approval is subject to compliance with the site plan, building elevations presented to the board, and the owner/applicant implementing more stringent lease standards to ensure that tenants comply with all City standards related to trash, litter, nuisance parties, etc.

Vice-Chair Raisanen asked if there would be any screening. Mr. Bebee stated there is none proposed. Kench explained that the City has not required screening between similar uses.

Commissioner Friedrich commented that this project is a big improvement over what is currently on site.

Commissioner Orlik noted he feels this meets the criteria to allow the extra occupant.

Motion approved.

IX. Old Business:

None

X. New Business

A. 2015 Meeting Schedule

Kench noted that the 2015 meeting scheduled was included in packets.

XI. Other Business

A. March Meeting - Kench reported that we will likely have the two postponed cases to review next month - one from St. John's Episcopal Church and one on May Street, along with the postponed case from tonight if the applicant is ready. So far no new requests have been submitted. Commissioner Berkshire noted that although he is a member of the church, he does not feel this would create a conflict of interest for him and he will be participating in the discussion.

XII. Adjournment

Motion by Friedrich, support by Ferden to adjourn.

Motion approved.

Meeting adjourned 8:47 p.m.

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