

**Mt. Pleasant Zoning Board of Appeals
Minutes of the Regular Meeting
November 16, 2022**

I. Chair Raisanen called the meeting to order at 7:00 p.m.

Present: Friedrich, McGuire, Orlik, Raisanen, Stressman, White
Absent:

Staff: Brian Kench, Laura Delamater

Kench noted we have a quorum

II. Approval of the Agenda:

Motion by Stressman support by Friedrich to approve the agenda.

Ayes: Friedrich, McGuire, Orlik, Raisanen, Stressman, White
Nays: None

Motion was approved unanimously.

III. Approval of the Minutes:

A. October 26, 2022

Orlik requested a change to page 2... that the actual point of entry is (add **still**) facing Broadway. Orlik also requested that it show the Public Comments were closed by **Raisanen**, not Orlik

Raisanen requested the word minutes be added to the correct on page 3 of the July 27, 2022 (**minutes**). Raisanen also requested adding (**Kench**) to the last sentence on page two ...why Brian (Kench) spent so...

Motion by McGuire support by Friedrich to approve the October 26, 2022 minutes as amended.

Ayes: Friedrich, McGuire, Orlik, Raisanen, Stressman, White
Nays: None

Motion was approved unanimously.

IV. Communications:

A. None

V. Public Hearings:

Chair Raisanen reviewed the bylaws and board procedures for the Public Hearing.

Commissioner McGuire recused himself from ZBA-22-04 due to a conflict of interest. Alternate White participated in this case.

A. ZBA-22-04 – 514 S. Franklin – Request for a variance from Section 154.405.A of the Zoning Ordinance to allow the reduction in the required side set back from 6 feet to 5 feet as part of a lot split.

Kench introduced the ZBA-22-04 submitted by Tim Beebe on behalf of Slave & Steve Vasilovski requesting a variance from Section 154.405.A of the Zoning Ordinance to allow the reduction in the required side set back from 6 feet to 5 feet as part of a lot split.

Kench reviewed the property's zoning and other characteristics as well as the current use, zoning, and future land use of adjacent properties. The property is zoned CD-3 with the future land use being designated mixed use medium density.

Kench shared photos of the area and current conditions of the buildings currently on the property. Kench explained that other than the eave (overhang), the sites would both comply with the proposed lot split.

Kench reviewed the submitted site plans.

Discussion took place.

Orlik asked if we dealt with the issue of the (roof) overhang, and that went away or was significantly reduced, there wouldn't be any need for that variance, correct?

Kench responded that open porches may extend to the property line and if they were able to remove the 12-inch roof overhang, a variance would not be needed.

Raisanen called on the applicant(s) to present their case.

Tim Beebe, Central Michigan Survey & Development, along with Slave and Steve Vasilovski, owners of 514 S. Franklin were on hand to present their case and answer questions from the board. Beebe presented the board a series of printed photos (copies attached and made part of the minutes) of the current site containing the single-family home with the address of 209 E. Maple and the duplex addressed as 514 and 514 ½ S.

Franklin. Beebe explained that they are trying to bring the site more into compliance with the zoning ordinance as they can. Beebe explained the open-air stair case is the only entrance to the upstairs apartment and that the overhang is an important as it is the only protection from the elements.

Raisanen asked if there were any questions for the applicant(s).

Orlik asked if the stairway could be moved closer to the house to take advantage of the other part of the covering?

Beebe explained that the stairway is attached to the house. Narrowing the stairway doesn't seem practical. Beebe stated that the stairway could run all the way out to the back by the back fence to the north and then walk all the way around, but it was not very practical.

Orlik discussed the memo from the new Planning Director questioning the impervious surface coverage on the larger lot (514 S. Franklin).

Raisanen also discussed concerns for impervious surface coverage for both proposed lots and parking for the rentals.

Kench explained that they had reached out to Mr. Beebe for a calculation of impervious surface coverage. They provided updated calculations in the packet.

Vasilovski explained that the driveway of (514) actually fits 2 cars side by side.

Beebe provided a calculation of impervious surface coverage including the driveway on 514 S. Franklin as well as 209 E. Maple.

Friedrich asked for clarification that in order to meet current code, it's just the roof part (overhang) of the lower portion. They could remove 1 foot off the edge, is that correct?

Kench explained that it is only the eve (overhang) of the roof that extends over the lot line.

Friedrich asked if the most westerly post for the roof to the west of the concrete.

Beebe explained that the post was 6.1 feet and 6.2 feet but then there is a 1-foot overhang.

Friedrich questioned that if they removed the overhang, then they would be in compliant?

Beebe and Kench both responded that it would then be in compliance.

Raisanen opened the Public Hearing.

Kench noted that there were no electronic communications. There being no one who wished to speak, Raisanen closed the Public Hearing.

Raisanen asked if there were any correspondence regarding the case.

Kench discussed the (2) two comments he had received via telephone calls and comments from Director of Fire Safety, the Department of Public Works and the Director of Planning and Community Development.

Discussion took place.

Raisanen went through the finding of facts.

Discussion took place.

Friedrich stated that it seems to comply with the code is a fairly small change.

Motion by Orlik support by Friedrich to approve ZBA-22-04 filed by Slave & Steve Vasilovski, in order to permit a variance splitting two (s) conforming parcels, a variance of 11 inches in the lot line separating in what would become two (2) separate properties.

Roll Call Vote:

Ayes: Stressman, White

Nays: Friedrich, Orlik, Raisanen,

Motion did not pass; the variance was not granted.

Raisanen encouraged the applicant to work with staff (Mr. Kench) to look at alternative options.

B. ZBA-22-05 – Vacant lot at the corner of Crosslanes and Kane – Request for a variance from Section 154.405.A of the Zoning Ordinance outlining the CD-3L standards to permit the construction of a new home with the main entrance in the façade along the secondary frontage.

Kench introduced the ZBA-22-05 submitted by Chris West requesting a variance from Section 154.405.A of the Zoning Ordinance outlining the CD-3L standards to permit the construction of a new home with the main entrance in the façade along the secondary frontage.

Kench reviewed the property's zoning and other characteristics as well as the current use, zoning, and future land use of adjacent properties. The property is zoned CD-3L with the future land use – residential.

Kench reviewed the site plans of the proposed project.

Kench shared photos of the neighboring area and similar properties fronting along Kane Street.

Discussion took place.

Friedrich asked if a variance is granted should we look at increasing the amount of glazing on the Crosslanes frontage to be more in line with the 10 % zoning ordinance requirements.

Kench explained that the small increase would bring the windows into that range.

Raisanen called on the applicant to present their case.

Chris West, owner of the property was on hand to present his case and answer questions from the board.

West explained that in planning the new home, he wanted to conform with the neighborhood.

Orlik felt that the key issue is to maintain the character of the neighborhood. Orlik felt that having the primary frontage along Kane Street definitely was in character with the neighborhood. Orlik also stated that on the secondary frontage, he agreed with the commentary in the packet; the windows are out of character, they are too small for a frontage of that size.

Kench explained the glazing requirement was 10 % of the wall area and excludes the gable area.

Stressman asked about the setbacks and distance from the curb to the front of the house.

Kench explained that what was showing on the site plan were the zoning ordinance minimums. The actual setbacks would be at/or about where the existing houses are now.

Discussion took place.

Raisanen opened the Public Hearing.

Kench noted that there were no electronic communications. There being no one who wished to speak, Raisanen closed the Public Hearing.

Raisanen asked if there were any correspondence regarding the case.

Kench discussed the requirements from the Department of Public Works, building permits from the Department of Building Safety and one other comment from Judy and Mike McCracken who own 1309 E. Lincoln have no objections for this request.

Discussion took place.

Raisanen went through the finding of facts.

Motion by Orlik support by Friedrich to approve ZBA-22-05, filed by Chris West, taking into consideration that this request involves a rare vacant lot in an existing neighborhood where this house needs to conform to the existing orientation of the houses; provided that the applicant increase the proposed size of the windows facing Crosslanes by at least 10 % and meets all DPW requirements.

Vote:

Ayes: Friedrich, McGuire, Orlik, Raisanen, Stressman, White

Nays:

Motion was approved unanimously; the variance is granted.

VI. Public Comments:

Raisanen opened the public comment. Kench noted that there were no public comments submitted via zoom or electronically. There being no one who wished to address the board, Raisanen closed public comment.

VII. Old Business:

A. None

VIII. New Business:

A. Proposed Meeting Schedule for 2023

Motion by Friedrich, support by Stressman to approve the 2023 Meeting Schedule.

Vote:

Ayes: Friedrich, McGuire, Orlik, Raisanen, Stressman, White

Nays:

Motion approved unanimously

IX. Other Business:

A. None

X. Adjournment:

Motion by Friedrich, support by McGuire to adjourn.

Ayes: Friedrich, McGuire, Orlik, Raisanen, Stressman, White

Nays: None

Motion approved unanimously.

Meeting adjourned at 8:06 p.m.

lkd