
**MINUTES OF REGULAR MEETING
BOARD OF ZONING APPEALS
August 8, 2019, 6:30 P.M.
Neighborhood Empowerment Center - 600 W. Maple Street**

I. ROLL CALL

The meeting was called to order by Josh Hovey at 6:30 p.m. Roll call was taken.

Present: J. Hovey, J. Leaming, M. Rice, M. Solak, R. Fryling & E. Jefferson

Absent: M. Alling, C. Iannuzzi & K. Berryman

Staff: S. Stachowiak

A quorum of five members was present, allowing voting action to be taken at the meeting.

II APPROVAL OF AGENDA

It was moved by Mr. Rice, seconded by Mr. Leaming to approve the agenda with the addition of "excused absences" under New Business. On a voice vote, the motion carried 6-0.

III. PUBLIC COMMENT

IV. PUBLIC HEARING/ACTION

A. BZA-4049.19, 720-724 N. Washington Avenue, Variance to the building height limitation

Ms. Stachowiak said that this is a request by the Michigan Realtors Association to construct a new office building on the properties at 700-724 N. Washington Avenue that would be 47 feet, 7 inches in height. Section 1260.09 of the Zoning Ordinance limits the height of buildings in the "D-1" Professional Office district, which is the zoning designation of the subject property, to 45 feet. A variance of 2 feet, 7 inches to the height limitation for an office building is therefore, being requested. Ms. Stachowiak stated that the staff recommendation is to approve the variance based on a finding that the request complies with all of the applicable criteria of Section 1244.06 (c) of the Zoning Ordinance and the impact criteria of Section 1244.06 (e), as described in the staff report for this request.

Ms. Stachowiak said that the basis for the variance to permit the additional building height involves the need for a drop-off canopy at the main entrance to the building which would need to be 14'8" in height in order to provide enough clearance for emergency vehicles. She said that the subject property is zoned "D-1" Professional Office, which district requires a 20 foot setback for both buildings and parking lots from all property lines adjacent to a public right-of-way. Ms. Stachowiak said that, in contrast to most properties, 3 of the 4 property lines on the subject property adjoin a public right-of-way. This means that a 20 foot wide strip of land along the north, south and west property lines is completely unusable, even for parking which significantly limits the buildable area of the site and the amount of parking that could be constructed

thereon. Ms. Stachowiak said that if the variance is denied, the applicant would be limited to a 2-story building that would consume more of the land and possibly result in the need for a variance to the setback requirements or to the required number of parking spaces. She said that alternatively, the proposed building may have to be dramatically reduced in size to the extent that it would no longer meet the applicant's needs which could result in the project being abandoned altogether. Ms. Stachowiak said that the he limitations on the buildable area caused by having 3 property lines abutting a right-of-way line is unique to the subject property and creates a practical difficulty for the applicant in redeveloping the site. She also said that the variance is very minimal and since the slight increase in building height is only necessary in order to accommodate the required clearance for a covered entrance to the building, denial of the variance would create an unnecessary hardship for the applicant in making reasonable use of the site.

Mr. Hovey opened the public hearing.

Craig Hondorp, Progressive AE, 1811 4 Mile Road, Grand Rapids, stated that he is representing the applicant, Michigan Realtors. He stated that the additional height allows for a covered entranceway to the building with enough clearance for emergency vehicles.

Seeing no one else wishing to speak, Mr. Hovey closed the public hearing.

Mr. Fryling asked why there is a 45 foot height limitation.

Ms. Stachowiak said that it is because the majority of "D-1" Professional Office zoning in the City adjoins or is in very close proximity to residential land uses and the height limitation is to ensure that the buildings are compatible in scale. She said that in this case, there are no adjoining residential uses.

Mr. Rice stated that the practical difficulty that warrants approval of the requested variance involves the small size of the site which, when coupled with the added setback restrictions of having frontage on 3 streets, makes it difficult to develop horizontally. He said that in order to maximize use of the site, the applicant has to build vertically. Mr. Rice stated that the additional height is necessary for safety reasons and since the proposal complies with the variance evaluation criteria, he will be voting in favor of the request.

Mr. Leaming made a motion, seconded by Mr. Rice to approve BZA 4049.19 for a variance of 2 feet, 7 inches to the building height limitation to permit a 3 story office building at 700-724 N. Washington Avenue that would be 47 feet, 7 inches in height, on a finding that the variance is consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application. On a roll call vote, the motion carried unanimously (6-0).

V. **OLD BUSINESS** - None

VI. **NEW BUSINESS**

A. **Excused Absences**

Mr. Rice made a motion, seconded by Mr. Leaming to grant excused absences for Ms. Alling, Mr. Iannuzzi & Mr. Berryman. On a voice vote, the motion carried unanimously (6-0).

VII. APPROVAL OF MINUTES

A. Regular Meeting, March 14, 2019

Mr. Rice made a motion, seconded by Mr. Leaming to approve the minutes from the regular meeting held on March 14, 2019, as printed. On a voice vote, the motion carried unanimously (6-0).

VIII. PUBLIC COMMENT

IX. ADJOURNMENT AT 6:37 P.M.

Respectfully Submitted,

Susan Stachowiak, Zoning Administrator