



Andy Schor
Mayor

**LANSING BOARD OF ZONING APPEALS
REGULAR MEETING
DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING
600 W. Maple (Neighborhood Empowerment Center)
Thursday, September 13, 2018, 6:30 PM**

AGENDA

- I. ROLL CALL**
- II. APPROVAL OF AGENDA**
- III. PUBLIC COMMENT**
- IV. ACTION**
 - A. BZA-4039.18, 2900 Collins Road**
 - B. BZA-4040.18, 1600 Block, East Kalamazoo Street**
- V. OLD BUSINESS**
- VII. NEW BUSINESS**
 - A. Rules of Administrative Procedure**
- VI. APPROVAL OF MINUTES**
 - A. Special Meeting, July 26, 2018**
- VIII. PUBLIC COMMENT**
- IX. ADJOURNMENT**

FOR SPECIAL ACCOMMODATIONS, PLEASE GIVE 24 HOURS NOTICE PRIOR TO THE MEETING BY CALLING SUSAN STACHOWIAK IN THE PLANNING OFFICE AT 517-483-4085 OR 517-483-4479 (TDD).

- @ PLANNING OFFICE LOBBY**
- @ CITY CLERK'S OFFICE**
- @ CITY COUNCIL OFFICE**

GENERAL INFORMATION

APPLICANT: McLaren Greater Lansing
401 W. Greenlawn Avenue
Lansing, MI 48910

OWNER: University Corporate Research Park
325 E. Grand River Avenue, Suite 275
East Lansing, MI 48823

REQUESTED ACTION: Variances to the building height limitation and the road frontage classification to permit a new hospital at 2900 Collins Road

EXISTING LAND USE: Vacant

EXISTING ZONING: "D-1" Professional Office District

PROPOSED ZONING: No change

PROPERTY SIZE & SHAPE: Irregular Shape - 42.97 Acres

SURROUNDING LAND USE: N: University Club/Single Family Residence
S: Offices
E: Offices/Vacant
W: Freeway/Single & Multi-Family Residential

SURROUNDING ZONING: N: "F" Commercial & "A" Residential Districts
S: "D-1" Professional Office District
E: "A" Residential & "D-1" Professional Districts
W: "A" Residential District

MASTER PLAN DESIGNATION: The Design Lansing Comprehensive Plan designates the subject properties for "Research & Development" uses. Forest Road and Collins Road are both designated as collector roads.

REQUEST

This is a request by McLaren Greater Lansing to construct a new hospital on the property at 2900 Collins Road that would have a maximum building height of 178 feet and would have frontage on and be accessed via Forest Road and Collins Road, both of which are classified as collector roads.

Section 1260.09 of the Zoning Ordinance limits the height of a building in the “D-1” Professional Office district, which is the zoning designation of the subject property, to 45 feet. Section 1260.03(b) requires the lot on which a hospital is located to have not less than one property line abutting a principal arterial. This Section also requires that each point of ingress and egress to the site must be directly from a principal or minor arterial. A variance of 133 feet to the building height limitation and variances to the road frontage classification for a hospital site and to the road classification requirement providing access to the site are therefore, being requested.

Required/Permitted	Proposed	Variance
45 foot building height limitation	178 foot building height	133 Feet
Principal or minor arterial road frontage and site access	Frontage on and access to the site from collector roads	Road frontage and site access classification

ANALYSIS

Practical Difficulty Criteria

The applicant considers that the 45 foot building height limitation is impractical for a hospital given its unique operations/needs in comparison to other uses permitted in the “D-1” Professional Office district. The applicant also considers that the proposed location is ideal for a hospital, despite it having its road frontage and only vehicular access from 2 collector roads.

Four criteria are described in Section 1244.06 (c) for the Board to apply in determining if complying with the ordinance would pose an unreasonable difficulty or unnecessary hardship on the applicant. As described below, the applicant’s request complies with all of the applicable criteria under this section.

The request does meet the first criterion since the practical difficulties and unnecessary hardships are directly related to the Ordinance regulations restricting the building height to 45 feet and requiring frontage on and access to a principal or minor arterial for a hospital in the “D-1” Professional Office District.

With respect to the second criterion, the requested variances are not the result of any action by the applicant but rather the result of applying regulations that are normally applied to office buildings to a hospital which has much different needs for its facilities. The applicant cannot maximize use of the site or construct buildings that would be practical and meet the unique needs of a hospital without a variance to the 45 foot height limitation. The main hospital building will be 9 stories in height. The maximum number of stories that can be accommodate with 45 feet is 3-4. If the variance is denied, the applicant would have to build horizontally rather than vertically which would make the hospital operations inefficient to the extent that the project would not be viable.

Building vertically allows the hospital staff to travel through the building by elevator and stairs which is must faster and far more efficient than traveling hallways through a sprawled-out building. In the case of a hospital, this is essential in comparison to a typical office building where the efficiency and speed with which its occupants can travel through the building is really just a matter of mere convenience.

With respect to the road classification variances, the applicant has selected a location that is very appropriate for a hospital, despite being located on and accessed by collector roads. Road classification are based on traffic volumes and the uses that the roads serve. At this time, the uses on Collins Road and Forest Road do not generate enough traffic or serve the types of uses that would warrant being classified as principal or minor arterials. The traffic generated by the hospital, once in full operation, will likely result in the designation, as least for Collins Road, being reclassified as a minor arterial. While Collins and Forest Roads are designated as collectors, both are designed to accommodate a fairly high volume of traffic and any necessary upgrades to the roads to accommodate traffic from the hospital will be installed as part of the overall project.

The third criterion relates to whether the practical difficulty is sufficiently unique. By assuring that the practical difficulty is adequate to differentiate it from a claim that could be made by most other property owners, the intent of the ordinance standard is preserved. Correspondingly, the practical difficulty must be more than a matter of mere preference. The uniqueness in this case involves a building height limitation that is normally applied to office buildings on a hospital which has much different requirements for its facilities just by the very nature of its operations. The subject property is zoned "D-1" Professional Office, which district has a building height limitation of 45 feet. The majority of the "D-1" zoning in the City is located directly adjacent or in very close proximity to low density residential uses. Limiting the height of buildings in this district is intended to ensure that the buildings are compatible in scale with adjoining or nearby residential uses. The subject property, by contrast, has no residential uses surrounding it. The nearest residential land uses are multi-family developments located on Forest Road, west of the freeway. The increased building height for the hospital, thus, will have no negative impacts on any residential uses in the area. The entire area between Collins Road to the east, the freeway to the west, Forest Road to the north and the north property line of the Red Roof Inn motel to the south is zoned "D-1" Professional Office. All of the development that has occurred in this area has been for business offices where a 45 foot height limitation is more than adequate. The "D-1" district permits hospitals but does not make allowances for increased building height that would clearly be necessary to accommodate such a use, even in areas, such as the subject property, where the hospital is not adjacent to any existing residential uses. This is a deficiency in the Zoning Ordinance that can only be resolved with a variance.

The road classification variances are also sufficiently unique to the applicant's proposal to warrant relief from the ordinance standard. Roads are primarily classified by capacity and the types of uses that they serve. The existing volumes of traffic and land uses along Collins Road and Forest Road are not sufficient to warrant being classified as principal or even minor arterials. Collector roads are intended to accommodate a mix of residential and nonresidential, low-to-moderate traffic and to efficiently move traffic from local streets to arterial roads. It is anticipated that the majority of the traffic will exit the freeway on Dunkel Road and use Collins Road to get to the hospital. Since the traffic on Collins Road will dramatically increase as a result of the hospital and since the

road does not directly serve any residential uses, the hospital could result in it being reclassified as a minor arterial.

The other consideration relates to whether there is a viable use of the property without the variance. This standard is typically applied to use variances which require a much higher threshold than a variance such as this one.

Impact Criteria

The Ordinance also establishes four standards under Section 1244.06 (e) that must be satisfied relating to the impact of the variance on the surrounding properties and general public. These standards and the manner in which they relate to the request are as follows:

1. **The use will be in harmony with the appropriate and orderly development of the surrounding neighborhood.**

The proposed hospital will be harmonious with the appropriate and orderly development of the area in which it is located and will not be contrary to the intent and purpose of the Zoning Ordinance. The intent of limiting the height of buildings in the "D-1" Professional Office district is to ensure that they are compatible with adjoining residential uses. The intent of requiring hospitals to be located on a principal or minor arterial is to ensure that the traffic does not negatively impact residential neighborhoods. In this case, the hospital does not adjoin any residential uses. In addition, traffic will primarily utilize Collins Road since that would be the most convenient route to the hospital since the majority of traffic will likely exit the freeway on Dunkel Road and enter the site on Collins Road. There are no residential uses along Collins Road. While there are residential uses along Forest Road, this will primarily be used as a secondary route to the hospital as it will be a less convenient and less efficient route.

2. **The use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved.**

See response to item 1 above.

3. **The use will be designed to eliminate a possible nuisance emanating therefrom.**

The variance will not generate any nuisances for the area in which it is located.

4. **The use will not interfere with or discourage the appropriate development and use of adjacent land and structures or unreasonably affect their value.**

The proposed hospital will have no negative impacts on existing or future development in the surrounding area. There will still be a significant amount of vacant land zoned "D-1" Professional Office and the hospital will be interfere in any way with its development.

FINDINGS

This is a request by McLaren Greater Lansing to construct a new hospital on the property at 2900 Collins Road that would have a maximum building height of 178 feet and would have frontage on and be accessed via Forest Road and Collins Road, both of which are classified as collector roads. Section 1260.09 of the Zoning Ordinance limits the height of a building in the "D-1" Professional Office district, which is the zoning designation of the subject property, to 45 feet. Section 1260.03(b) requires the lot on which a hospital is located to have not less than one property line abutting a principal arterial. This Section also requires that each point of ingress and egress to the site must be directly from a principal or minor arterial. A variance of 133 feet to the building height limitation and variances to the road frontage classification for a hospital site and to the road classification requirement providing access to the site are therefore, being requested.

The available information supports a finding that the request complies with the applicable practical difficulty criteria stipulated in Section 1244.06 (c) and the impact criteria of Section 1244.06 (e) of the Zoning Ordinance.

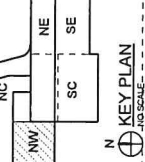
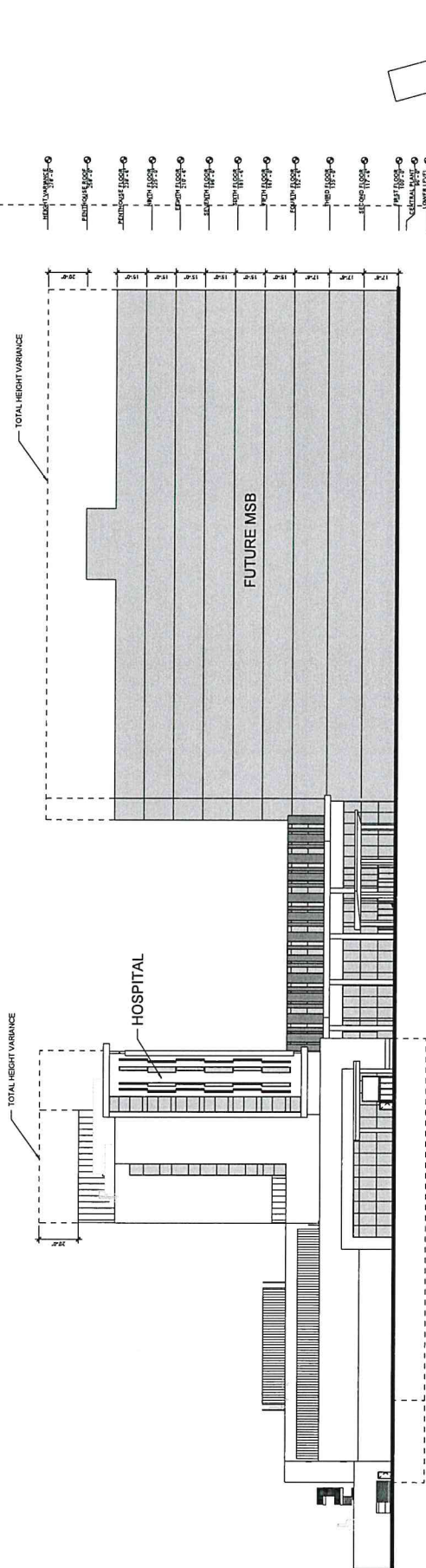
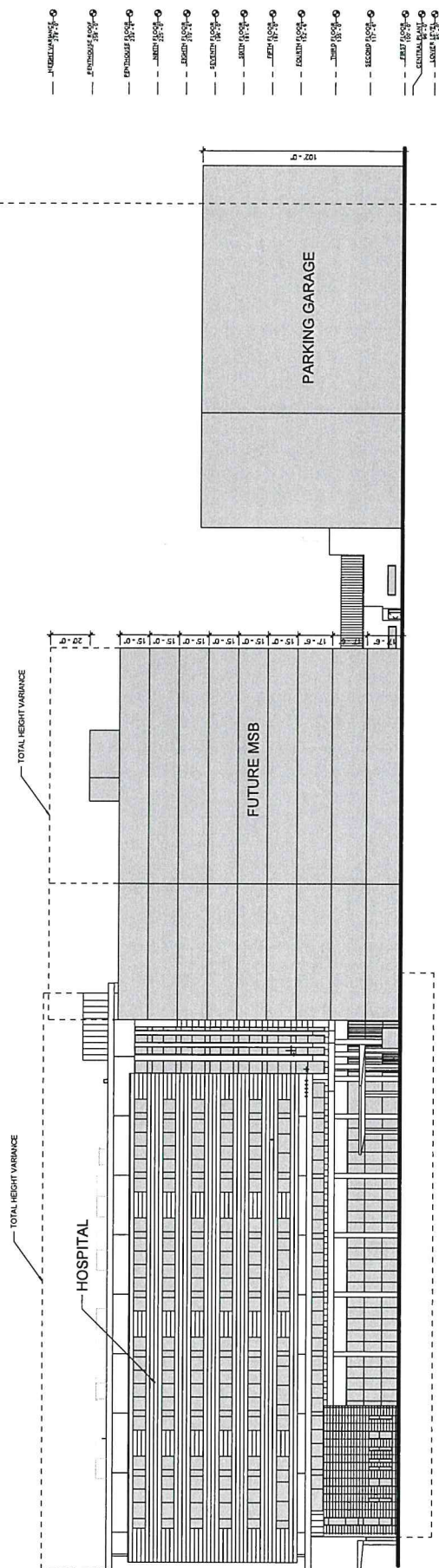
RECOMMENDATION

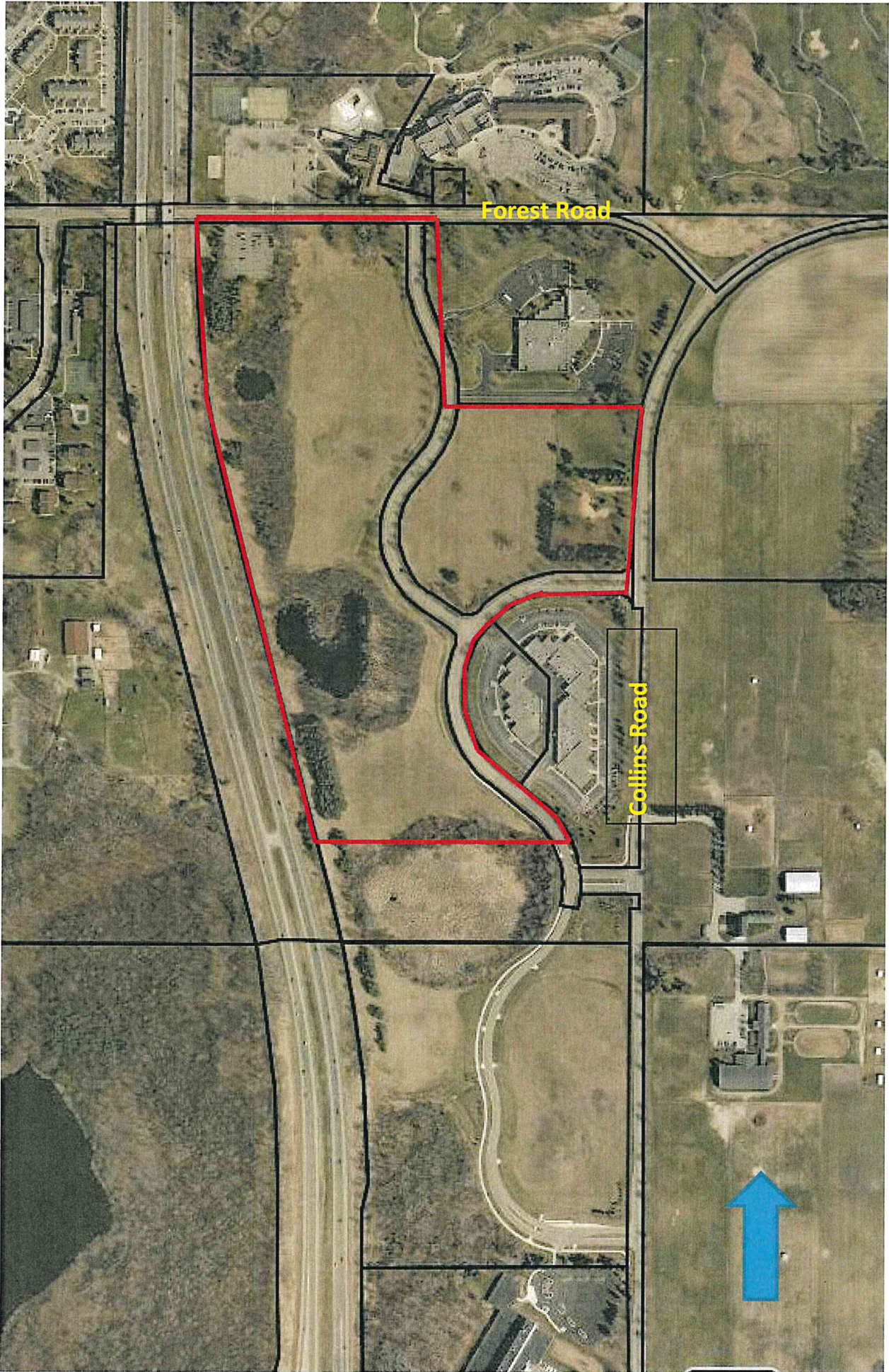
Based on the information and findings described above, the following motion is offered for the Board's consideration:

BZA 4039.18 be approved for a variance of 133 feet to the 45 foot building height limitation and for variances to the requirement that hospitals be located on and have direct access to a principal or minor arterial, to permit a 178 foot high building and to permit a hospital that would have frontage on and its only access to collector roads, on a finding that the variances would be 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 request.

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator





Legend

roads_final

FEMA Flood Zones

Flood Zone

0.2 PCT ANNUAL CHANCE FLOOD HAZARD

A

AE

Tax Parcels

A Residential-Single

B Residential-Single

C Residential-2 Unit

NONE

CUP Community Unit Plan

D-1 Professional Office

D-2 Residential/Office A

DM-1 Residential-Multiple

DM-2 Residential-Multiple

DM-3 Residential-Multiple

DM-4 Residential-Multiple

E-1 Apartment Shop

E-2 Local Shopping

F Commercial

F-1 Commercial

G-1 Business

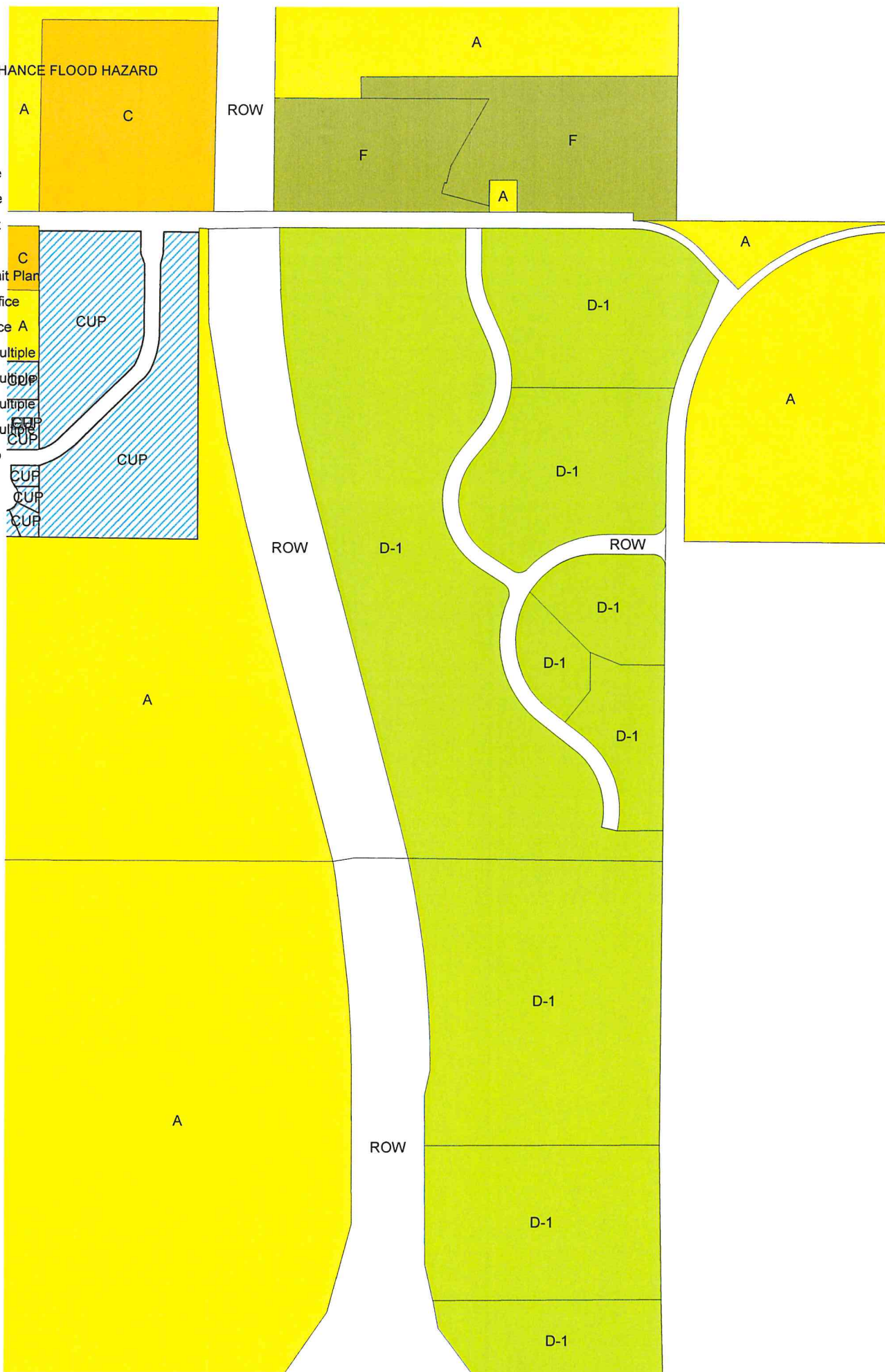
G-2 Wholesale

H Light Industrial

I Heavy Industrial

J Parking

ROW Right of Way



GENERAL INFORMATION

APPLICANT: Allen Neighborhood Center
1611 E. Kalamazoo Street
Lansing, MI 48912

OWNER: ANC Holdings, LLC
1611 E. Kalamazoo Street
Lansing, MI 48912

REQUESTED ACTION: Variances to the lot area, number of parking spaces and front yard setback requirements

EXISTING LAND USE: Allen Neighborhood Center/Commercial Uses

EXISTING ZONING: "F" Commercial District

PROPERTY SIZE: 49,248 square feet (1.13 acres)

SURROUNDING LAND USE: N: Single & 2-Family Residential
S: Neogen Corp. Offices/Laboratories
E: Single & 2-Family Residential
W: Single & 2-Family Residential

SURROUNDING ZONING: N: "C" Residential & "J" Parking Districts
S: "D-1" Professional Office District
E: "F" Commercial & "C" Residential Districts
W: "C" Residential District

MASTER PLAN DESIGNATION: The Design Lansing Master Plan designates the subject property as "Neighborhood Mixed Use Center. E. Kalamazoo Street is designated as a collector road. Shepard and Allen Streets are both designated as local roads.

ANALYSIS

This is a request by the Allen Neighborhood Center to permit the properties located at 317 Allen Street, 326 Shepard Street and the parcels located on the north side of the 1600 block of E. Kalamazoo Street to be used for a mixed residential/commercial building. The applicant is proposing a total of 40 residential units which requires 56,800 square feet of lot area in accordance with Section 1256.06 of the Zoning Ordinance. The site contains 49,248 square feet. Section 1284.13 of the Zoning Ordinance requires 160 parking spaces for the proposed project. 80 parking spaces can be accommodated on the site. Section 1268.06 of the Zoning Ordinance requires a 20 foot front yard setback in the "F" Commercial district, which is the zoning designation of the subject properties.

The building will have a zero foot setback along E. Kalamazoo Street, an 8 foot setback along Allen Street and a 9.25 foot setback along Shepard Street. Variances of 7,552 square feet to the lot area requirement, 80 to the required number of parking spaces and 20, 12 and 10.75 feet to the required setbacks are therefore, being requested.

Required	Proposed	Variance
20 foot front yard setback	8 foot front yard setback - Allen Street	12 feet
	9.25 foot front yard setback – Shepard Street	10.75 feet
	0 foot front yard setback – Kalamazoo Street	20 feet
160 parking spaces	80 parking spaces	80 parking spaces
56,800 square feet of lot area	49,248 square feet	7,552 square feet

ANALYSIS

Section 1244.06 (c)(1-4) of the Zoning Code sets forth the criteria and standards which must be used to evaluate a variance request. They are: (1) Does a practical difficulty or unnecessary hardship exist; (2) Is the Location, Size and Character in harmony with surrounding uses; and (3) Will the request impact vehicular and pedestrian traffic?

Practical Difficulty or Hardship

The applicant bases a practical difficulty on the small size of the lot and the inability to obtain additional land adjacent to the site to accommodate the required amount of lot area and parking spaces. The applicant also considers that compliance with the front yard setback requirement would cause an unnecessary hardship as it would necessitate demolition of the existing buildings and result in a land use pattern that is not appropriate for the site.

Several criteria are described in Section 1244.06(c) for the Board to consider in determining the adequacy of a practical difficulty:

1. The hardship results from the application of this Zoning Code to his or her lot, rather than from some other factor.
2. The hardship is not the result of his or her own actions.
3. The hardship is peculiar to the lot of the applicant.
4. If the owner of the lot complies with this Zoning Code, he or she can secure no reasonable return from, or make no reasonable use of, his or her property.

The request does meet the first criteria since the practical difficulty is directly related to the ordinance regulations for parking, density/lot area and building setbacks as outlined in the table above.

With respect to the second criteria, the practical difficulty cannot be considered self-created. The practical difficulty in this case involves the limited amount of land necessary to accommodate the lot area requirement for enough residential units to make the development economically feasible and to accommodate the required number of parking spaces. Compliance with the zoning ordinance requirements would result in the applicant having to purchase adjoining residential properties, demolish the houses to create additional parking and constructing/relocating the building to the required 20 foot front yard setback along the street frontages, all of which would be contrary to the desired land use pattern for the area as described in the master plan and with proper planning and zoning principles in general for an urban neighborhood/low impact commercial environment.

The third criteria relates to whether the practical difficulty is sufficiently unique. By assuring that the practical difficulty is adequate to differentiate it from a claim that could be made by most other property owners, the intent of the ordinance standard is preserved. Correspondingly, the practical difficulty must be more than a matter of mere preference. The uniqueness in this case involves the application of ordinance requirements that were designed for highway commercial development on a neighborhood mixed use development. The subject property is zoned "F" Commercial which is the dominant zoning for commercial properties along S. Cedar Street, S. MLK, S. Pennsylvania and other highway commercial corridors that are characterized by large lots and streets that are designed for high volumes of vehicular traffic. The subject property, by contrast, is characteristic of the E. Michigan, S. Washington and E. Grand River mixed use areas where the lots are relatively small, the buildings are located at or near the front property lines to create a more "walkable" atmosphere and on-street parking is available to offset the need for private on-site parking. All of these areas, however, are covered by an overlay zoning district that allows for much higher density residential development, zero foot setbacks and significantly reduced parking requirements. As the subject property is not covered by an overlay district, the only way to accommodate the proposed development is with variances. Since the circumstances surrounding this request are unique to the subject property, relief from the ordinance standards is warranted.

The other consideration relates to whether there is a viable use of the property without the variances. This standard is typically applied to use variances, however, which require a much higher threshold than a 'dimensional' variance such as this one.

IMPACT STANDARDS

The Ordinance also establishes four standards under Section 1244.06 (e) that must be satisfied relating to the impact of the variance on the surrounding properties and the public in general. These standards and the manner in which they relate to the request are as follows:

1. **The use will be in harmony with the appropriate and orderly development of the surrounding neighborhood.**

The requested variances will not be disruptive to the appropriate and orderly development of the area. In fact, the variances will allow for development consistent with the land use pattern and placemaking characteristics being advanced in the Design Lansing

Comprehensive Plan which designates the subject property for “Community Mixed-Use Center”. The Master Plan establishes the following placemaking characteristics for the “Community Mixed-Use Center” land use category:

“As Community Mixed Use Centers are re-developed they should move from the existing suburban development patterns to a more urban character. The internal street pattern should be encouraged to create a typically urban grid of streets and small to moderate size blocks. Buildings should be located to frame the street with parking located to the rear. Shared and deck parking should be encouraged. Primary building entrances should be oriented to the street. Retail should be clustered to create a shopping core with ground floor retail storefronts; a minimum transparency requirement should be considered. Residentially-scaled and detailed structures should be encouraged on neighborhood edges.”

As evidenced by the attached plan, the proposed development is consistent with the “Community Mixed-Use Center” placemaking characteristics described above. The proposed building will be located at or in close proximity to the front property lines along all 3 streets with parking located behind the building and commercial storefronts with upper level residential units.

If the variances are denied, the building will have to be located at the 20 foot front yard setback which would be inconsistent with the desired placemaking characteristics. In addition, the density would have to be decreased which would render the project economically unfeasible unless the applicant were to purchase additional land adjacent to the site. Doing so would require the applicant to demolish houses in order to provide the necessary lot area for the proposed 40 residential units and to accommodate additional parking. Demolishing houses to provide parking that is otherwise not necessary to accommodate the proposed development is contrary to proper planning principles and would negatively impact the orderly development of the neighborhood.

2. **The use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved.**

The variance will have no negative impacts on vehicular or pedestrian traffic in the area. The proposed development will result in addition pedestrian traffic which will be very positive for the area. In addition, the site is located on a collector road that is designed to carry a relatively high volume of traffic.

3. **The use will be designed to eliminate a possible nuisance emanating there from.**

The proposed mixed use development will not generate any nuisances.

4. **The use will not interfere with or discourage the appropriate development and use of adjacent land and structures or unreasonably affect their value.**

See response to item 1 above. Given the unique circumstances surrounding this request as detailed in the preceding paragraphs, approval of the variances will not set a negative precedent for future requests to vary the lot area, parking lot and building setback requirements.

FINDINGS

This is a request by the Allen Neighborhood Center to permit the properties located at 317 Allen Street, 326 Shepard Street and the parcels located on the north side of the 1600 block of E. Kalamazoo Street to be used for a mixed residential/commercial building. The applicant is proposing a total of 40 residential units which requires 56,800 square feet of lot area in accordance with Section 1256.06 of the Zoning Ordinance. The site contains 49,248 square feet. Section 1284.13 of the Zoning Ordinance requires 160 parking spaces for the proposed project. 80 parking spaces can be accommodated on the site. Section 1268.06 of the Zoning Ordinance requires a 20 foot front yard setback in the "F" Commercial district, which is the zoning designation of the subject properties. The building will have a zero foot setback along E. Kalamazoo Street, an 8 foot setback along Allen Street and a 9.25 foot setback along Shepard Street. Variances of 7,552 square feet to the lot area requirement, 80 to the required number of parking spaces and 20, 12 and 10.75 feet to the required setbacks are therefore, being requested.

The available information supports a finding that the requested variances are consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e).

RECOMMENDATION

Based on the information and findings described above, the following motion is offered for the Board's consideration:

BZA 4040.18 be approved for variances of 7,552 square feet to the lot area requirement, 80 to the required number of parking spaces and 20, 12 and 10.75 feet to the required setbacks to permit a mixed use, 40 unit residential/commercial development on the properties located at 317 Allen Street, 326 Shepard Street and the parcels located on the north side of the 1600 block of E. Kalamazoo Street, on a finding that the variances are 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.

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator



1611 E. Kalamazoo St., Lansing, MI 48912 517-367-2468
www.allenneighborhoodcenter.org

Development of the Kircher Complex

Project Narrative

Summary - The proposed project envisions converting the Kircher Complex at the 1600 Block of East Kalamazoo Street, between Shepherd and Allen Streets, in Lansing, Michigan into a comprehensive community space that provides 40 units of mixed-income housing along with commercial space, integrative services and programming.

The project is sponsored by the Allen Neighborhood Center, a place-based organization that serves as a non-profit hub for neighborhood revitalization and for activities that promote the health and well-being of Lansing's Eastside community and other stakeholders. Cinnaire's development affiliate, Cinnaire Solutions, is serving as a co-sponsor and co-developer on the project.

The building was constructed in stages, with the first section built in 1932. The complex has served as home to many small businesses over the years including the Allen Neighborhood Center and the Allen Farmers Market. In the past several years, several of the commercial tenants have moved out and parts of the building currently sit vacant.

The project proposes rehabilitating the two-story Kircher Complex while constructing 2 ½ story additions onto either end of the building. The proposed development will provide 40 units of mixed income housing, with over 19,000 square feet of commercial space. The apartments will be targeted to all age groups, families, seniors and young professionals. A significant portion of the population that the Allen Neighborhood Center serves is over the age of 50 and as such we anticipate that many of them will be interested in living in our "age-friendly" development—where design will facilitate social interaction and social programming.

Project amenities will include active programming from the Allen Neighborhood Center, a community room, computer center, close proximity to an exercise/dance studio, picnic area, an on-site farmers market and a commercial kitchen.

Variances Requested

- 1) **Requesting waiver of requirement of a 20 foot setback.** The Kircher Complex has a zero lot line along E. Kalamazoo Street. Relocating this huge, 76 year-old building and moving it further from the corridor is neither feasible nor desirable.[1] We are requesting a setback waiver for the proposed additional building frontage on E. Kalamazoo to extend the existing condition and better extend the existing commercial frontage. We are also requesting a waiver for the front yard setbacks on the East and West ends of the Complex that front on Shepard and Allen Streets. The East end of the property at Shepard Street currently has a seven foot setback, which we would like to maintain.

On the West end of the property at Allen Street, we are requesting a setback waiver to a six foot setback at the corner of East Kalamazoo Street that grows to eight feet as the project approaches the homes on Allen Street to the North. The Northeastern and Northwestern edges[2] of the development will be designed to reflect the look of the typical East houses immediately across the street, e.g., peaked roofs, etc.

- 2) **Requesting waiver of the parking requirements.** The requested variance is for 75 regular parking spaces (including 11 street parking spaces on E. Kalamazoo) and 5 additional handicapped spaces. The proposed commercial space will be 19,122 square feet and the residential square footage is 33,402, including 40 residential units and amenity space.

We believe that the number of parking spaces will be sufficient, given that over ½ of the units will be occupied by older adults. We anticipate that many of these folks may no longer drive or require an automobile. In addition, this is a highly walkable neighborhood, and parks, restaurants, Sparrow Hospital and its surrounding medical district are within easy walking distance for many of the people that will choose to live here. Further, residents will have *immediate* access to the development's first floor commercial offerings, e.g., grocery, exercise/dance studio, the Allen Neighborhood Center outreach office providing linkage to a wide range of health and food resources, a weekly farmers market, continuing education and social activities, and more. All of these factors, in addition to age and health-related considerations will likely reduce auto ownership among the older residents in the development.

Other residents will include students who often prefer travel by bus (We are located on CATA's #15 bus route, and only 3 blocks from the #1 bus route on Michigan Avenue) or bicycle (E. Kalamazoo is the major east-west bike route in Lansing.) Finally, we will happily explore nearby off-site parking rental spaces.

3) Requesting waiver of density to that required of the "DM-[3]3" Residential district. While we are falling short of the required lot footage for the 40 proposed residential units (The zoned "F" portions of the lot contain 49,248 square feet while the unit mix requires a lot area of 56,800 square feet,) we are interested in maximizing the number of affordable and accessible apartments for elders in a neighborhood that has become disproportionately young. Further, we feel that this greater density will support the commercial businesses on the ground floor of the development. Finally, we believe that our proposed unit number and mix is consistent with new thinking about form-based code and the City of Lansing Master Plan support for increased residential density along E. Kalamazoo Street.

If this petition is not granted, how will project be affected?

Having served and studied this neighborhood for nearly two decades, we believe that we have crafted a Project Plan that is forward-looking and addresses the needs of specific population groups, particularly elders, in an integrated and thoughtful manner. Further, by balancing housing, food, health and social programming, we will create a lively mix of activities for a diverse mix of people. The integration of these component parts is what we believe makes this project unique, efficient and financially feasible. If the petition is not granted, it makes realizing our vision more difficult and more expensive.

Additional Background on Allen Neighborhood Center

Since its founding in 1999, Allen Neighborhood Center has been located in the Kircher Complex, a large, sprawling building which fills the entire north side of the 1600 block of E. Kalamazoo St. Over nearly two decades, we have steadily expanded our footprint in the complex. In 2012, we took on additional space to create the Allen Market Place (AMP) facility, a multifunctional resource center and food hub which houses our commercial kitchens, winter season farmers market, the Exchange (our wholesale market), and a multitude of community events. In 2016, we received funds from Ingham County to renovate our Outreach Offices and to create, right next door to us, a satellite studio for the forty year-old Happendance Company. Even as we dug in and continued to expand and improve the spaces that we leased from the out-of-state owner, other commercial tenants exited. The former owner left these retail spaces unfilled and vacant, resulting in a gradually deteriorating block.

Vacant and poorly maintained commercial spaces on either side of ANC are not only problematic for us, but also for other businesses and homes on this key Eastside corridor. E. Kalamazoo St. has been steadily improving, with extensive upgrades over the past

decade in Hunter Park and new amenities planned for Foster Park, Neogen's stabilizing presence directly across from Kircher, and a possible new development by T. A. Forsberg in the former Paro Building.

We are very excited about what lies ahead and believe that the development we are planning will build upon and strengthen the transformational change we are seeing on Lansing's Eastside. It will also, eventually, support the long term sustainability of Allen Neighborhood Center.

Thank you for your consideration.

"Much more than a physical space; community is an experience". Ron David

Wednesday
August 29, 2018

RECEIVED
AUG 31 2018
PLANNING DIVISION

Amy A. Moore
418 Allen Street
Lansing MI

Dear City of Lansing

I am writing related to BZA-4040.18^{etc} ^{zoning}
I am a neighbor at 418 Allen Street
that purchased a home that was
nearly destroyed from neglect and I
have been investing multiple thousands
of dollars to make the home
beautiful and habitable.

I am opposed to any commercial
zoning in my neighborhood. The area
was previously called "Ho Row", a
place to find prostitutes. The area
is building up and being rehabed and
becoming more safe.

In Lansing, Commercial space is
over-built by 60%. This drives
down the stability of business location

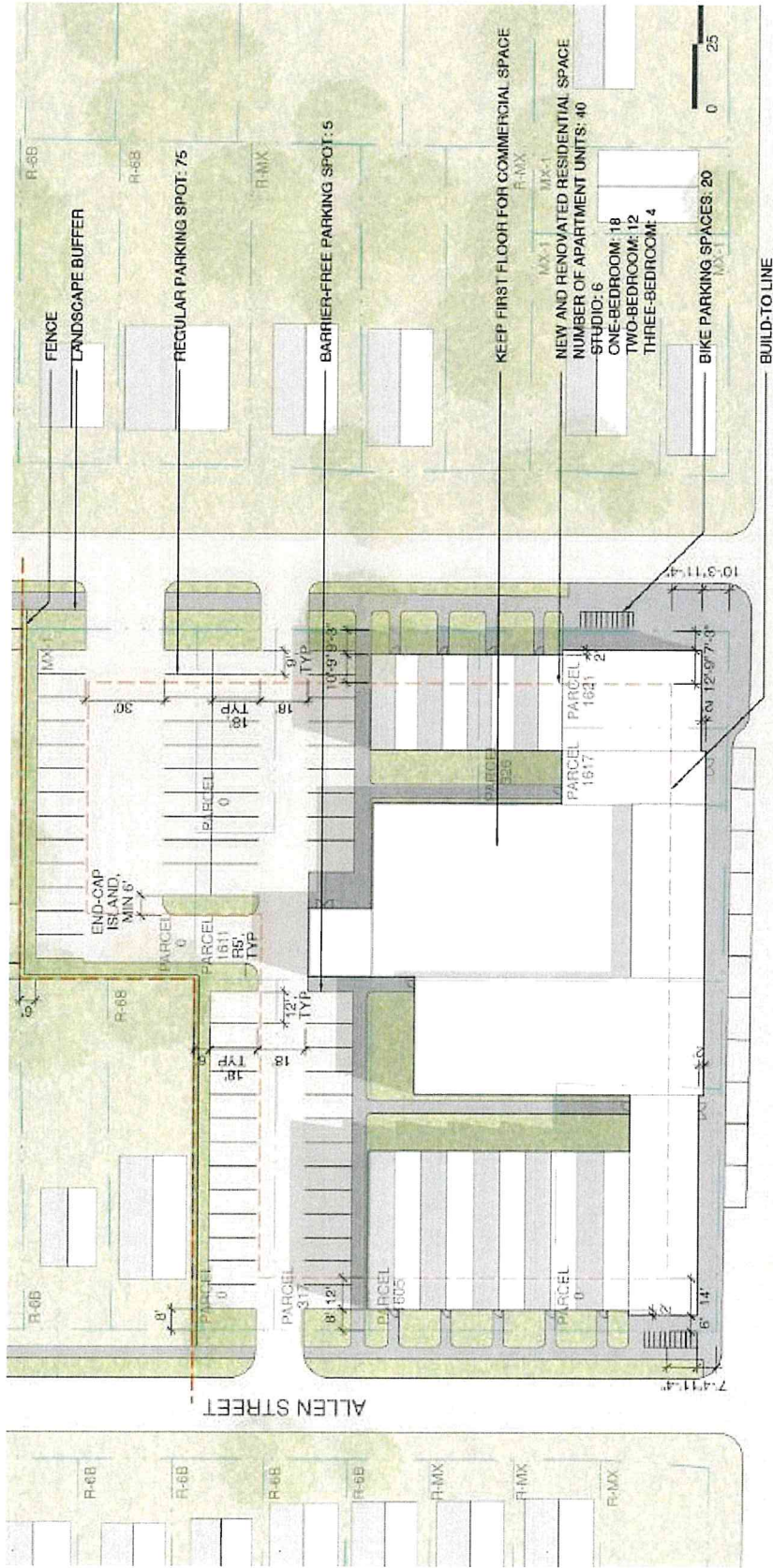
and allows any type of business to locate close to our homes. The data and statistics in our neighborhood will attract fast food and liquor stores. Unless the zoning can prohibit this use for the duration of the life of this development, there should be no commercial expansion in our community.

Please consider utilizing the property that already exists at 401 Shepard that has the zoning you are requesting. That property is already an eyesore and has the failed commercial zoning that is sought.

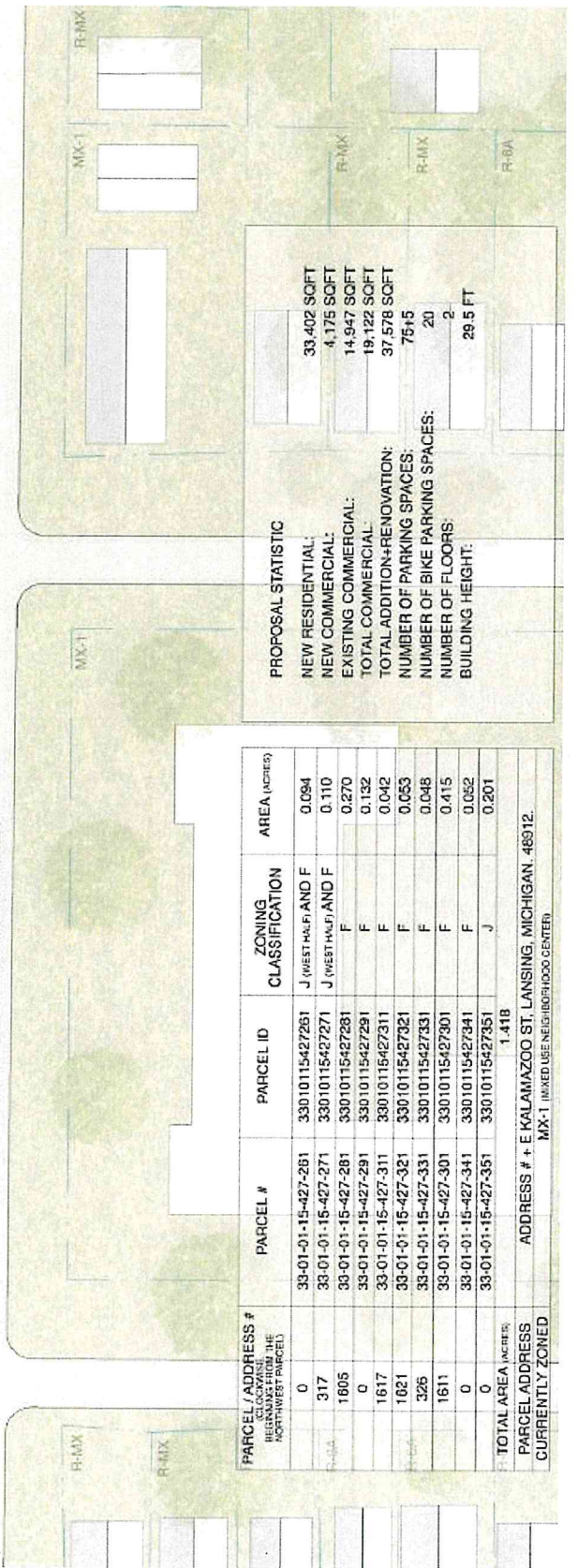
Thank you for considering this comment related to development of Kalamazoo and Allen Street to Shepard.

Amy Moore

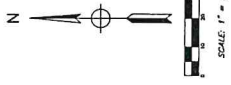
amymore@aol.com



EAST KALAMAZOO STREET



PARCEL / ADDRESS # (CLOCKWISE FROM NORTHWEST CORNER)	PARCEL #	PARCEL ID	ZONING CLASSIFICATION	AREA (ACRES)
0	33-01-01-15-427-261	33010115427261	J (WEST HALF) AND F	0.094
317	33-01-01-15-427-271	33010115427271	J (WEST HALF) AND F	0.110
1605	33-01-01-15-427-281	33010115427281	F	0.270
0	33-01-01-15-427-291	33010115427291	F	0.132
1617	33-01-01-15-427-311	33010115427311	F	0.042
1621	33-01-01-15-427-321	33010115427321	F	0.053
326	33-01-01-15-427-331	33010115427331	F	0.048
1611	33-01-01-15-427-301	33010115427301	F	0.415
0	33-01-01-15-427-341	33010115427341	F	0.052
0	33-01-01-15-427-351	33010115427351	J	0.201
TOTAL AREA (ACRES)	1.418			
PARCEL ADDRESS	ADDRESS # + E KALAMAZOO ST. LANSING, MICHIGAN. 48912.			
CURRENTLY ZONED	MX-1 (MIXED USE NEIGHBORHOOD CENTER)			



SECTION 15 T 4 N - R 2 W
EAST TOWNSHIP OF LANSING
INGHAM COUNTY, MICHIGAN

CONSTRUCTION QUANTITIES	
ITEM	UNIT
BITUMINOUS PAVEMENT	SO. YD.
BUILDING CONSTRUCTION	LUMP SUM
POLE REMOVAL	LIN. FT.
CURB & GUTTER	LIN. FT.
TREES	EACH
SIDEWALK	SO. FT.

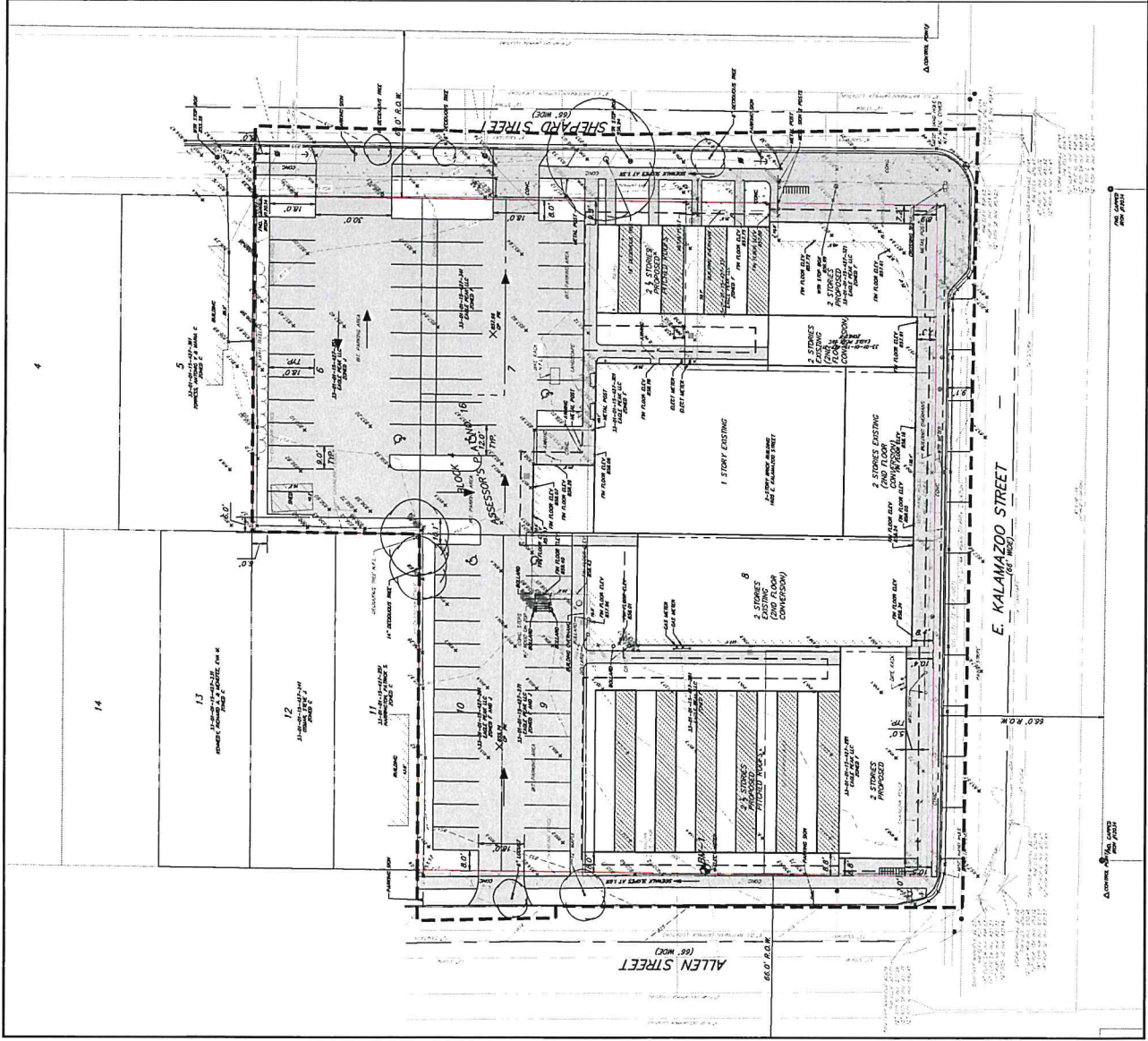
* SIDEWALK DAMAGED DURING CONSTRUCTION
SHALL BE REPLACED

- LEGEND
- TYPICAL
 - - - LIMITS OF DISTURBANCE
 - - - CIVIL DESIGN ENVELOPE
 - - - PROPOSED HARD IMPERVIOUS SURFACE
 - - - BARRIER FREE PARKING
 - - - TRAFFIC FLOW DIRECTION
 - - - PITCHED ROOF

MAP SYMBOL	MAP UNIT NAME
URB	URBAN LAND - MARLETTE COMPLEX 2 TO 12

DETAILS

SITE AREA: 1.43 ACRES
PARKING SPACES: 75 + 5 BARRIER FREE SPACES
FIRST FLOOR COMMERCIAL SPACE
STUDIO: 6
THE BEDROOM: 18
THREE BEDROOM: 4



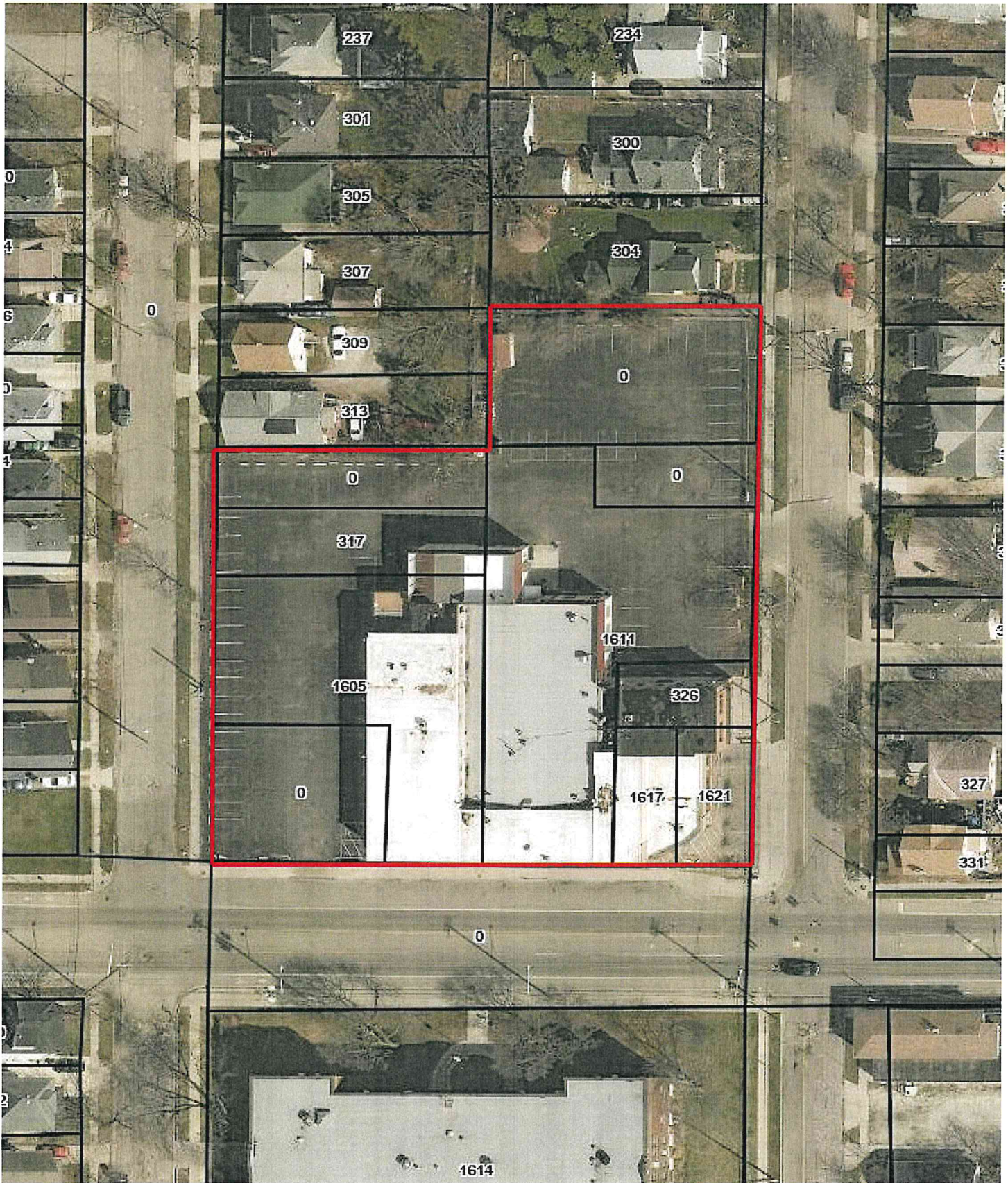
DRAFT

BY	MARK	REVISIONS	DATE
DR	BT	INTD	09/17/18
CH	BT	INTD	09/17/18
AP	BT	INTD	09/17/18
PR	BT	INTD	09/17/18
ST	BT	INTD	09/17/18
DATE	09/17/18	SHEET	10-XXXX-02
SCALE	1" = 20'	FILE NO.	12630552018

ALLEN NEIGHBORHOOD CENTER
CITY OF LANSING, MICHIGAN

PROPOSED CONDITIONS

ENGINEER OFFICE
10000 E. KALAMAZOO STREET, SUITE 100
LANSING, MI 48203
TEL: 313-963-1400
FAX: 313-963-1401
WWW.PS&S-ENGINEERS.COM



Board of Zoning Appeals

RULES OF PROCEDURE

July, 2018 DRAFT

The following rules of procedure are adopted by the Lansing Board of Zoning Appeals to facilitate the performance of its duties and the exercising of its responsibilities, functions and powers in accordance with the Michigan Zoning Enabling Act (Act 110 of 2006), MCL 125.3101, as amended, other applicable statutes, the Lansing City Charter and applicable city ordinances including Chapter 1244 (Board of Zoning Appeals) of Title Six (Zoning) of the Codified Ordinances of the City of Lansing. A copy of ACT 207 Section 5, the Lansing City Charter and Chapter 1244 are included as Appendices 1, 2 and 3 respectively. Chapter 1244 of the Zoning Code includes the following subsections:

SECTION 1.0 DUTIES AND FUNCTIONS OF THE BOARD, GENERALLY

- (a) The Board of Zoning Appeals shall hear and decide appeals from, and review any order, requirement, decision or determination made by, the Planning Division related to the Zoning Code.
- (b) The Board of Zoning Appeals shall determine if a Class A nonconformity may be restored or reconstructed pursuant to Section 1294.06(c).
- (c) If requested by an applicant, the Board of Zoning Appeals shall review any decision of the Planning Board, which decision is made under Chapter 1294.
- (d) The ability to alter or change the Zoning Code or the Zoning Map is reserved for the City Council in the manner provided by law.
- (e) The Board of Zoning Appeals shall hear and determine requests for variances in accordance with Section 1244.06.

SECTION 2.0 MEMBERSHIP

- (a) The Board of Zoning Appeals shall consist of nine members who are appointed by the Mayor with the advice and consent of Council. To be eligible for appointment, each person shall possess the qualifications required by the City Charter for holding office.
- (b) After the effective date of the Zoning Code (Ordinance 636, passed March 7, 1983), each subsequent appointment to the Board shall be for one, two or three years, respectively, so as to provide for the appointment of an equal number of members each year. Thereafter, each member

shall be appointed for a full three-year term. The Mayor shall attempt to appoint at least one member to the Board who is serving as a member of the Planning Board.

SECTION 3.0 SELECTION OF OFFICERS

- (a) At its first meeting in June, The Board shall elect from among the voting members a Chairperson and a Vice Chairperson.
- (b) Whenever one or both positions are vacated, the remaining members shall elect from the members serving a new Chairperson, Vice chairperson, or both to fill the unexpired terms.
- (c) Whenever both the Board Chairperson and Vice-Chairperson are absent from a meeting, the remaining members shall elect from the members present a temporary chairperson to conduct the meeting.

SECTION 4.0 SECRETARY

- (a) The Planning Office staff shall serve as Secretary of the Board of Zoning Appeals.
- (b) The duties of the Secretary shall be as follows:
 - 1. The Secretary shall post a list of the dates, times and places of the meetings of the Board, including any changes, on the City's website and in all appropriate places pursuant to the Open Meetings Act.
 - 2. The Secretary shall post the agenda of each meeting of the Board pursuant to the Open Meetings Act.
 - 3. The Secretary shall be responsible for ensuring that all hearings are duly noticed in accordance with the requirements of all applicable City Ordinances and with the provisions of the Michigan Zoning Enabling Act.
 - 4. The Secretary shall take the minutes of Board meetings and shall maintain them on the City web site. The minutes shall be distributed to all Board members prior to the next scheduled meeting.
 - 5. The Secretary shall file the minutes of each Board meeting in the office of the City Clerk as a public record in accordance with the Lansing City Charter, Section 5-105.10.

6. The Secretary shall be responsible for keeping a record of all of the Board's transactions.
7. The Secretary shall provide written notice of the Board's decision to the applicant. This notification shall include details of any petition, findings and action and any other information as may be required by ordinance or statute.
8. The Secretary shall perform other duties as the Board may direct and as are normal and customary to the office.
9. The Secretary shall be responsible for all releases of information to the public related to committee discussions, decisions reached by the Board, and other information relating to the work of the Board.
10. The Secretary shall cooperate and assist the City F.O.I.A. office in responding to requests for information in accordance with the Freedom of Information Act, P.A. 442 of 1977, as amended.

SECTION 5.0 QUORUM

- (a) Five (5) members, or a majority of the persons seated on the Board of Zoning Appeals, shall constitute a quorum for the transaction of business and the taking of official actions.
- (b) At any meeting without a quorum, those present may adjourn the meeting to another time, or continue the meeting for the purpose of accepting comments from the public. Public comments may be received, but no official action may be taken at a meeting without a quorum.

SECTION 6.0 MEETINGS

- (a) Regular meetings of the Board of Zoning Appeals shall be held on the second Thursday of each month at 6:30 p.m. at a location designated by the Board and posted in accordance with the Open Meetings Act (P.A. 267 of 1976, as amended). Meetings shall not be held at times which conflict with the regular or special meetings of City Council.
- (b) Special meetings shall be called at the request of the Board Chairperson, Secretary, or five (5) members of the Board. Notice of a special meeting shall be given by the Secretary to the members of the Board at least forty-eight (48) hours prior to the meeting and shall state the purpose, date, time, and place of the meeting. Notice of the special meeting shall also be posted

in accordance with the Open Meetings Act. Meetings shall not be held at times which conflict with the regular or special meetings of City Council.

- (c) Any special meeting of the Board shall be a legal meeting if a quorum is present and if there has been compliance with the Open Meetings Act.

SECTION 7.0 PUBLIC INVOLVEMENT

- (a) All regular and special meetings, hearings, records, resolutions, findings and determinations and other transactions of the Board shall be open to the public in accordance with the Open Meetings Act.
- (b) The public shall be given reasonable opportunity to be heard at all regular and special meetings in accordance with Lansing City Charter provision 5-150.5. The opportunities for public comment shall include:
 - 1. Scheduled Public Hearings: A person having an application or petition shall be permitted a reasonable amount of time for presentation, generally not to exceed five (5) minutes. All others shall be given a reasonable amount of time to speak, generally not to exceed three (3) minutes.
 - 2. General Public Comments: All persons shall be given a reasonable amount of time, generally not to exceed three (3) minutes, to speak on issues before the Board or on topics of general interest to the Board after approval of the agenda and prior to adjournment of the meeting.
- (c) The Board may, by a majority vote of the Board, grant additional time to any speaker.

SECTION 8.0 CONFLICT OF INTEREST

- (a) Board members who believe they may have a potential conflict of interest should disclose the possible conflict prior to any discussion of the matter giving rise to the potential conflict. Once disclosed, the potential conflict shall be discussed by the entire Board and a determination made whether or not a conflict exists.
- (b) A conflict of interest exists when an issue involves a member's personal interest, or affects his or her employer or where the member stands to benefit financially from the outcome of the issue being considered by the Board.

- (c) A vote to excuse a member shall be by simple majority of the remaining members of the Board who are present and the motion shall state the reason for why the member is being excused.
- (d) Any Board member excused on a particular issue shall leave the meeting room during any discussion of the matter which gave rise to the conflict.
- (e) All excuses for conflict of interest shall be stated in the official communication from the Board Secretary and be reflected in the official minutes of the Board.
- (f) The provisions of this section shall be subject to the provisions and stipulations of the Ethics Ordinance, Chapter 290 of the Codified Ordinances of Lansing, Michigan, included in Appendix 4.

SECTION 9.0 ATTENDANCE

- (a) Board members shall regular attend the meetings.
- (b) Following the roll call of Board members at any meeting, the Chairperson shall inquire whether any absent member had requested that the absence be excused. A motion to excuse a member shall be approved by a majority vote of the Board.
- (c) Any Board member who is absent without excuse from three (3) consecutive regular meetings, or twenty-five percent (25%) of the regular meetings in any calendar year, may be removed from the Board in accordance with Section 5-105.7 of the Lansing City Charter.
- (d) A member may voluntarily resign from the Board. When a member adopts a principal residence outside the corporate limits of the City, the Board shall consider the member as having voluntary resigned, and shall notify the member of this consideration.

SECTION 10.0 ORDER OF BUSINESS

- (a) The Chairperson shall call the meeting to order and read a statement explaining the procedure for conducting business by the Board, before proceeding with the items listed on the agenda.
- (b) The agenda for each regular meeting shall be prepared by the Secretary, and shall contain the following items in the following order, unless modified by majority vote of the Board members as part of the approval of the agenda:

- I. Roll Call
- II. Approval of Agenda
- III. Public Comment
- IV. Hearings/Action
- V. Old Business
- VII. New Business
- VI. Approval of Minutes
- VIII. Public Comment
- IX. Adjournment

- (c) The agendas for each special meeting shall be prepared by the Secretary and approved by the Board.

SECTION 11.0 VOTING

- (a) Voting shall be recorded by verbal “yes” and “no”.
- (b) Any action, including an amendment to a motion, is by majority vote of those present.
- (c) A roll call vote shall be taken if requested by any Board member. The Chairperson shall vote last.
- (d) All members of the Board in attendance shall vote on all matters unless excused pursuant to Section 6.0 herein.

SECTION 12.0 BOARD ACTION

- (a) Final action on any matter for which a public hearing is required or requested shall not occur until after the public hearing has been concluded.
- (b) A written notice containing the decision of the Board shall be sent to applicant(s), petitioner(s), titleholder(s), and all other interested persons required to be notified by law.

SECTION 13.0 PARLIAMENTARY PROCEDURE

Meetings shall be conducted according to Roberts Rules of Order. A majority vote of the Board members present may suspend the use of such rules, as authorized by the Open Meetings Act.

SECTION 14.0 AMENDMENTS

These rules may be amended by majority vote by the Board during any regular meeting, provided that all members have received an advance copy of the proposed amendments at least three (3) days prior to the meeting at which any amendments are to be considered.

THESE RULES OF PROCEDURE, TOGETHER WITH THE APPENDICES IN PART II, ARE ADOPTED AND ARE EFFECTIVE ON THE _____ DAY OF _____, 2018. THE FIRST ELECTION OF OFFICERS SHALL TAKE PLACE UNDER THESE RULES IN _____, 2018.

LANSING BOARD OF ZONING APPEALS

City Charter – Section 5-105 - Organization of boards; rules of procedure.

1. Each board shall organize itself for the conduct of its business and select its own officers, including a secretary who shall take the minutes of the board meetings.
2. Each board shall adopt its own rules of procedure consistent with this Charter.
3. The rules shall state the schedule of the regular board meetings. The schedule shall not conflict with regular meetings of the City Council.
4. The rules shall require that public notice of all meetings shall be given in the manner provided by statute for meetings of public bodies.
5. The rules shall require that the public have a reasonable opportunity to be heard at all regular meetings of the board.
6. All board meetings shall be required to be open to the public to the same extent as meetings of the City Council.
7. The rules shall define the extent to which nonattendance at meetings may be grounds for removal from office.
8. All rules of procedure shall be submitted to the City Attorney for approval as to form. The rules shall then be submitted to the City Clerk for transmission to the City Council. The rules shall be effective at the conclusion of the Council meetings at which they are received, unless the Council directs otherwise.
9. The Council may object to the rules in whole or in part and may return them to the board, proposing their adoption with a statement of its objections and recommendations.
10. The minutes of all board meetings shall be filed in the office of the Clerk as a public record. No official action taken by any board at any meeting shall be valid or effective until a copy of the minutes at which the action was taken is filed with the Clerk.
11. Members of advisory boards shall serve without compensation, but the City Council may authorize the payment of the actual and necessary expenses of board members.

Michigan Zoning Enabling Act - Section 602. (2): The concurring vote of a majority of the members of the zoning board of appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the zoning board of appeals is required to pass under the zoning ordinance, or to grant a variance in the zoning ordinance.

**MINUTES OF SPECIAL MEETING
BOARD OF ZONING APPEALS
July 26, 2018, 6:30 P.M.
Neighborhood Empowerment Center - 600 W. Maple Street**

I. ROLL CALL

The meeting was called to order by Chairperson Marcie Alling at 6:30 p.m. Roll call was taken.

Present: M. Alling, J. Quick, J. Leaming, M. Rice & K. Berryman

Absent: J. Hovey (excused), C. Iannuzzi (excuse) & K. Litwiller

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. Quick to approve the agenda as printed. On a voice vote, the motion carried 5-0.

III. PUBLIC COMMENT

IV. ACTION

A. BZA-4037.18, 230 S. Holmes Street

Ms. Stachowiak said that this is a request by Unity Spiritual Center of Lansing for a variance to permit an addition on the west side of the building at 230 S. Holmes Street that would have a setback of 3 feet from the front property line along Prospect Street to the nearest point of the covered entrance the proposed addition. Section 1250.07 of the Zoning Ordinance requires a front yard setback of 20 feet in the "C" Residential district which is the zoning designation of the property at 230 S. Holmes Street. A variance of 17 feet to the front yard setback requirement is therefore being requested. Ms. Stachowiak stated that staff is recommending approval of the request, based 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.

Ms. Stachowiak said that the primary purpose of the proposed addition is to make the building handicap accessible. Like most neighborhood churches that have been in existence for several decades, the site is very small which makes it difficult to make changes to the building/site in order to bring it into compliance with current requirements for handicap accessibility without relief from setback requirements. Ms. Stachowiak stated that the proposed addition will not result in the loss of any parking spaces on the site and, except for the covered entranceway, the addition will be right in line with the wall of the existing building. She said that there are letters of support for the request in the packet from the P.L.A.C.E. and the Association for the Bingham Community neighborhood organizations.

The public hearing was held at the July 12, 2018 meeting at which there was not a quorum to take action on the request. No comments were received at the public hearing.

Nanette Podany, 322 John Street, Charlotte, MI, representing Unity Spiritual Church, spoke in support of the request. She said that the intent of the proposed addition is to accommodate a barrier-free restroom and to provide for a chair-lift and full barrier-free access to the building. Ms. Podany said that they hold neighborhood events and there are people that

cannot get into the building because it is not accessible.

Mr. Rice said that he is able to support the variance. He said that the addition is in line with the wall of the existing building and with the setbacks of other buildings in the area. Mr. Rice said that the small size of the lot creates a practical difficulty in making the building handicap accessible. He said that without a variance, there is no way to make the building accessible.

Mr. Leaming asked how the addition will impact the limited amount of parking on the site.

Ms. Stachowiak said that the proposed addition will not take up any of the parking that currently exist on the site. She also said that parking for churches is based on seating in the sanctuary and since the proposed addition will not increase the seating capacity, no additional parking is required as part of this project.

Mr. Quick said that he is able to support the request. He said that the new addition is consistent with the established setback pattern in the area. He also said that the variance is necessary to make the building, which was constructed prior to existing code regulations, handicap accessible so that it can be accessed by all individuals, regardless of physical limitations.

Ms. Alling expressed support for the request. She said that the church serves as a community center of sorts for the neighborhood and as such, it needs to be fully accessible.

Mr. Leaming and Mr. Berryman also stated their support for the variance based on the circumstances described in the staff report and as discussed at this meeting.

Mr. Leaming made a motion, seconded by Mr. Rice to approve BZA 4037.18 for a variance of 17 feet to the 20 foot front yard setback requirement to permit an addition with a covered entrance to the west side of the building at 230 S. Holmes Street that would have a setback of 3 feet from the nearest edge of the covered entrance on the proposed addition to the Prospect Street front property line, 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 (5-0).

B. BZA-4038.18, 3815 S. Cedar Street

Ms. Stachowiak said that this is a request by Elaine Westhouse on behalf of Immaculate Heart of Mary Church for a variance to permit a new parking lot at the southwest corner of Rosemont Street and Hunter Blvd. that would have a setback of 8 feet from the front property line along Rosemont Street. Section 1284.03(a) of the Zoning Ordinance prohibits parking within the required 20 foot front yard setback in the "A" Residential district, which is the zoning designation of the subject property. A variance of 12 feet to the required parking lot setback is therefore, being requested. Ms. Stachowiak stated that staff is recommending approval of the request, based 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.

Ms. Stachowiak stated that the parking lot will comply with the required setback along Hunter Blvd. and will have a setback of 8 feet from the front property line along Rosemont Street which is sufficient to provide an effective landscape buffer to soften its view from the street. She said that the other parking lots on the site do not have any setbacks or landscape buffers and thus, the proposed parking lot will not be disruptive to the setback pattern already established in the area. Ms. Stachowiak said that since the intent of setback requirements is to establish uniform development patterns along roadways, the requested variance will not be contrary to the intent of the ordinance.

Ms. Stachowiak said that the practical difficulty in this case that warrants relief from the ordinance is the irregular shape of the lot. She said that the applicant is in need of the proposed 28 parking spaces, not only for the existing church facilities but also to support the use of the proposed new building. The irregular shape of the lot makes it difficult to design a parking lot that would comply with all of the applicable dimensional requirements and still accommodate a reasonable number of parking spaces to make the project worthwhile. Denial of the variance to reduce the setback on the east side of the lot, however, will result in the loss of 7 of the 28 proposed parking spaces.

The public hearing was held at the July 12, 2018 meeting at which there was not a quorum to take action on the request. No comments were received at the public hearing.

Dave Swanson, 329 E. Cesar Chavez Avenue, representing Immaculate Heart of Mary Church, spoke in support of the request. He said the new building will be a physical education/gym facility for the school. Mr. Swanson said that the church already struggles to accommodate parking without burdening the neighborhood with excessive on-street parking. He said that they cannot maximize parking without a variance and based on the proposed layout, it will not be out of character with the neighborhood.

Mr. Leaming asked about the landscaping.

Ms. Stachowiak said that it will be located on the private side of the sidewalk as required by ordinance. She said that the new parking lot will be well landscaped, particularly in comparison to existing parking lots in the area.

Mr. Rice said that there is a clear practical difficulty in this case as regards the small size and irregular shape of the lot, coupled with the need to provide parking and make use of the site. He said that parking is the most logical use of the property and without a variance, the site would essentially be rendered useless as it would not accommodate enough parking to make the project worthwhile.

Mr. Quick expressed his support for the request.

Mr. Quick made a motion, seconded by Mr. Leaming to approve BZA 4038.18 for a variance of 12 feet to the 20 foot front yard setback requirement to permit a parking lot at 3815 S. Cedar Street that would have a setback of 8 feet from the front property line along Rosemont street, 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 (5-0).

V. OLD BUSINESS

VI. APPROVAL OF MINUTES Regular Meeting, May 10, 2018

Mr. Leaming made a motion, seconded by Mr. Berryman to approve the minutes from the regular meeting held on May 10, 2018, as presented. On a roll call vote, the motion carried unanimously (5-0).

VII. NEW BUSINESS

A. Rules of Administrative Procedure

Ms. Stachowiak said that all of the City Boards and Commissions are reviewing their rules of procedure to make sure that they are up-to-date. She said that the BZA Rules of Procedure have not been updated since the 1960's. Ms. Stachowiak said that the proposed Rules do not change the way the BZA currently conducts its meetings. She said that this matter will be on the next meeting agenda for further discussion and approval.

Ms. Stachowiak was asked to provide the charter provision referred to on page 4.

B. Excused Absences

Mr. Leaming made a motion, seconded by Mr. Berryman to grant excused absences for Mr. Hovey and Mr. Iannuzzi. On a voice vote, the motion carried unanimously (5-0).

VIII. PUBLIC COMMENT

VIII. ADJOURNMENT AT 7:00 P.M.

Respectfully Submitted,

Susan Stachowiak, Zoning Administrator

