

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
November 14, 2019 - 7:00 p.m.
CITY COMMISSION CHAMBERS**

Members Present: Dick Skalski, Reed Youngs, Christina Doane, Jeff Carroll, Beth van den Hombergh Alternate

Members Absent: Matt Lager, Chris Flach

City Staff: Pete Eldridge, Assistant City Planner; Clyde Robinson, City Attorney; Beth Cheeseman, Recording Secretary

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

MINUTES:

Mr. Skalski, moved to approve the minutes of October 10, 2019 as submitted, seconded by Ms. van den Hombergh.

Motion approved by voice vote unanimously.

NEW BUSINESS:

PUBLIC HEARINGS: Chair Youngs summarized the process and explained the Zoning Board of Appeals public hearing rules of procedures stating that a full board consists of six members and that approval requires four affirmative votes. If only four members are present the applicants would have the option to hold their requests over to the next meeting or present their requests with the hopes of getting all four affirmative votes.

Mr. Carroll read the application for 1118 W. Maple Street, Parcel #06-28-139-018:

ZBA# #19-11-29: 1118 W. Maple Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Joyce Wysimierski owner of 1118 W. Maple Street which is situated in Zone RS-5, Residential – Single Dwelling District. The applicant is requesting a dimensional variance from Chapter 4, Section 4.3 D1, to allow the construction of a new garage to replace the existing garage with a zero setback from the west side property line, where a three-foot building setback is required from the side property line.

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above. There were 57 notices of public hearing sent and one response was received.

Ms. Joyce Wysimierski, applicant, stated the existing garage is tilting, there are cracks in the foundation, and the driveway is very narrow. She said the garage is only 23" from the lot line. There is an existing retaining wall and she is asking to be able to attach the garage wall to the retaining wall or next to the retaining wall in order to have that extra 23".

Mr. Carroll asked if the garage wall is already adjacent to the retaining wall. Ms. Wysimierski confirmed that it is next to the retaining wall and if it is replaced as is, she would gain the 23". She also confirmed for Mr. Youngs that the roof will have no overhang on that side.

Mr. Skalski commented that the proposed retaining wall and foundation on that side looks to be a concrete block wall. Ms. Wysimierski said it will be a reinforced poured concrete wall, and it was recommended to be 12" thick. Mr. Skalski recommended that it be developed as part of the foundation for the wall.

Mr. Youngs shared they have granted such variances in the past. He also reviewed a letter of support from the neighbor directly west of the subject property.

There were no comments from the public.

Chair Youngs closed the public hearing.

Planner Eldridge pointed out that the current garage is built into the hillside of the backyard. He said there is a 14'-15' grade change from the front of the house and the rear property line. He indicated there would be significant difficulty moving the garage further back giving better access to the driveway. Planner Eldridge indicated the general the positioning of the house presents difficulty with accessing the garage. He said he can understand trying to align the garage further with the driveway by shifting it over. The existing retaining wall is approximately 5' tall, so this new garage will be built adjacent to that. Not much of the garage structure will be visible from the neighboring property.

FINDING OF FACT

Ms. Doane moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 1118 W. Maple Street shall include all information included in the notice of public hearing dated October 30, 2019.
- 2.) 57 notices of public hearing were sent, and one response was received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.

- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following:

Joyce Wysimierski, applicant, spoke in favor of the request. She said the current garage is 23” from the retaining wall, and she wishes to extend the garage to cover the 23” for more effective size and shape. The affected neighbor has no issue with the shift. Staff commented that topography is affecting current garage negatively. Planner Eldridge noted the narrow driveway and pre-modern build make the garage difficult to use. Not much will be visible from the street level.

Mr. Carroll seconded the Finding of Fact.

Motion approved for the Finding of Fact by voice vote unanimously.

Chair Youngs moved to approve the application, seconded by Mr. Carroll.

Motion approved by roll call vote unanimously.

Mr. Carroll read the application for 421 W. Crosstown Parkway, Parcel #06-22-361-003:

ZBA #19-11-30: 421 W. Crosstown Parkway: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Crosstown Investment Group, LLC owner of 421 W. Crosstown Parkway which are situated in Zone CC, Commercial – Community District. The applicant is requesting a use variance from Chapter 4, Section 4.2 Q.3, to allow the conversion of the ground floor level of the structures from an office back to residential occupancy, where commercial office use is required on the ground floor level in this commercial district.

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above. There were 14 notices of public hearing sent and zero responses were received.

Mr. Kiar Gamsho was the applicant for the variance. He came forward to speak to requests for both 421 W. Crosstown Parkway and 423 W. Crosstown Parkway. These properties were acquired as part of the redevelopment of the grocery store, Midtown Fresh. Mr. Gamsho explained these properties are houses and would need significant updates to use them as commercial properties. He said he hasn't been able to rent them out for commercial use for three years. Mr. Gamsho indicated he has employees looking for places to live, and he would like to rent out the first levels of these homes. He said this would restore them to their initial intended use.

Mr. Skalski commented that he can understand using them as homes because of the substantial cost of making them ADA accessible for commercial use. He believes that if the structures are sound, converting them would be a waste of money. Mr. Skalski stated the best alternative in the future would be to tear them down and rebuild defined commercial buildings. Mr. Gamsho

stated the commercial real estate market is tough. He has been experiencing that with leasing the additional space at the Midtown property.

Ms. Nicole Laws, owner of 437 W. Crosstown Pkwy, units 1 and 2, came forward in opposition of the request. She stated her building is commercial and residential like Mr. Gamsho's buildings. She lives and operates a business in her building. Ms. Laws stated there were tenants living there when he bought the Midtown property and those houses. She said she experienced numerous issues while the tenants were there: noise, dogs running loose, and random people roaming around late at night. She is concerned there may be break-ins or people getting into her vehicles. She indicated she bought her property because it was mostly commercial in the area. Ms. Laws didn't believe there had been difficulties leasing to businesses in that area. She expressed concern of dogs running loose and having responsibility for customers coming in her building.

Chair Youngs closed the public hearing.

Planner Eldridge expressed appreciation for Ms. Laws' comments. He responded there are ordinances about dogs running at large, so that should be reported. Planner Eldridge shared that the lot at 421 W. Crosstown Pkwy is 57' wide and 168' depth. The house is 1700 square feet, 2-story, and was built in the 1900s. He said it is arduous to fully convert a former single-family home to a commercial space using building code and ADA requirements. Planner Eldridge said a compliant commercial property has a wheelchair accessible entry point, barrier-free bathroom that a wheelchair can access, doorways wide enough for wheelchairs to pass through. That becomes expensive and causes these older homes to lose character and charm. He shared that the applicable zoning district standard regarding residential on second floor and commercial on first floor has been under review for some time by Planning staff. Other variances have been granted for this same issue. Planner Eldridge said they intend to make a correction to this standard for mixed-use or 100% residential in the CC district. Staff is supportive of this use variance.

Mr. Carroll asked if this area is in a commercial node in the 2025 Master Plan. Mr. Eldridge stated that it is not in a commercial node.

FINDING OF FACT

Ms. Doane moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 421 W. Crosstown Parkway shall include all information included in the notice of public hearing dated October 30, 2019.
- 2.) 14 notices of public hearing were sent, and zero responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.

- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following:

Mr. Kiar Gamsho, Crosstown Investments Group, spoke to the fact these were once homes. There are barriers as it has not been fully fitted out as commercial and he has not been able to rent as commercial in 3 years. He spoke to the need for housing and noted that commercial markets are getting tougher. The expenses to fit for commercial are extensive. Ms. Nicole Laws spoke in opposition. She has a building with an upstairs residence and downstairs commercial that has been rented repeatedly. Ms. Laws is concerned about safety and noise levels if switched to residential. The block is mostly commercial. She feels residential would adversely affect business. Staff confirms conversion to commercial standards can be expensive, namely ADA requirements and homes lose older building historical charm. Other variances for similar items have been granted for older homes/areas not fully converted. Staff confirms it is not a commercial node.

Mr. Skalski seconded the Finding of Fact.

Motion approved for the Finding of Fact by voice vote unanimously.

Chair Youngs moved to approve the application, seconded by Mr. Skalski.

Mr. Skalski stated that to retrofit these two structures to support commercial development is a high-expense for that use. In the long term, he assumed these two structures will be eliminated with some sort of new commercial structure design to fit the needs of whatever will go in. He indicated support of the request.

Motion approved by roll call vote unanimously.

Mr. Carroll read the application for 423 W. Crosstown Parkway, Parcel #06-22-361-002:

ZBA #19-11-31: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Crosstown Investment Group, LLC owner of 423 W. Crosstown Parkway which are situated in Zone CC, Commercial – Community District. The applicant is requesting a use variance from Chapter 4, Section 4.2 Q.3, to allow the conversion of the ground floor level of the structures from an office back to residential occupancy, where commercial office use is required on the ground floor level in this commercial district.

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above. There were 14 notices of public hearing sent and zero responses were received.

Chair Youngs clarified with Attorney Robinson about how to proceed with the second request. Attorney Robinson stated they can adopt facts from the previous matter.

Chair Youngs asked Mr. Kiar Gamscho and Ms. Nicole Laws if they had anything to add for this request. Both stated affirmatively to adopt their statements from the previous request with no additions. Planner Pete Eldridge stated that the only difference is this structure is smaller at 1500 square feet, and the lot size is the same.

Mr. Skalski, seconded by Mr. Carroll, moved to adopt the Finding of the Facts and statements from Ms. Laws from the previous request for 423 W. Crosstown Parkway. A voice vote was taken and approved unanimously.

Mr. Carroll moved to approve the application, seconded by Mr. Skalski.

Motion approved by roll call vote unanimously.

Mr. Carroll read the application for 817 W. North Street, Parcel #06-16-269-017:

ZBA #19-11-32: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by David and Joyce Maloney on behalf of True Holiness Unto the Lord, owner of 817 W. North Street, which is situated in Zone RD-19, Residential – Duplex District. The applicant is requesting a dimensional variance from Chapter 5, Section 5.1, to authorize the splitting of the property separating the residential structure from the church and providing the residential structure with a lot that is 3,306 square feet in area where in Zone RD-19 the lot area required is 4,000 square feet.

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above. There were 88 notices of public hearing sent and zero responses were received.

Mr. and Mrs. David and Joyce Maloney were the applicants for the variance. They want to purchase the home on property situated next to the church, True Holiness Unto the Lord. They said the home is part of the church's property, and that the lots were combined about six years ago. The Maloneys believed the driveway next to the church was combined in with other properties, and that at one point there were three separate properties.

Mr. Skalski asked where they can access the property. The Maloneys stated there is a shared driveway on the corner of W. North. It is shared with the house and the empty lot next door.

Mr. Maloney stated they have talked to the Land Bank about purchasing the vacant lot next to the house. They would like to get the house back on the tax books and turn it back to a single-family residence.

Mr. Ryan Kelly came forward in opposition of the request. He is the owner of 711 W. North Street, and he was also trying to purchase the property. He said he had conversations with the Pastor of True Holiness Unto the Lord about purchasing the vacant lot and the house. Mr. Kelly said he owns a food trailer and he felt he needed more space. That is why he wanted a vacant lot. By the time he got paperwork drawn up, he was told there were other people interested in the property. He is still interested in the property due to a problem with parking.

He stated that he was planning to move into the house as his primary residence. Mr. Kelly said he also called the Land Bank and they wanted \$25,000 for the lot because they got money to knock the house down. He did say he was not against the Maloneys getting the lot, but he was still interested in the property.

Planner Eldridge said Pastor Nelson combined the properties in order to use the house next to the church for church-related programming. If the properties were combined, then they would not need a special variance. Planner Eldridge shared the pastor's letter of support for the Maloneys to buy the house. Pastor Nelson stated the church has no plans for future use of the house and it is costly for the church to maintain. Planner Eldridge said the proposal would put house on the original lot it was on 7 years ago. He said they couldn't administratively approve it because of the small lot size. Staff is supportive of the variance to separate the house from the church and hopeful that the land bank will sell the vacant lot to the Maloneys to provide additional space for a driveway.

Chair Youngs confirmed with Planner Eldridge they needed the variance because it is a non-conforming lot size.

FINDING OF FACT

Mr. Carroll moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 817 W. North Street shall include all information included in the notice of public hearing dated October 30, 2019.
- 2.) 88 notices of public hearing were sent, and zero responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following:

Mr. and Mrs. David and Joyce Maloney spoke on behalf of the application. They are looking to purchase the home on lots that were combined in years past. This used to be three separate properties. There is a shared driveway on W. North Street that grants access to a vacant lot which they also intend to purchase from the land bank. Mr. Ryan Kelly spoke in opposition, however, he does not object to applicants' request. He is the owner of 711 W. North Street and he also intended to purchase the vacant lot to have better parking for his situation. City staff recommended the combining of church and house lots to the current pastor years ago.

Current pastor supports applicants' request as does City staff. Staff is hopeful that the Land Bank will sell the corner lot to the Maloneys.

Planner Eldridge corrected that only two lots which were combined. Mr. Carroll said his motion will be corrected to state only two lots.

Mr. Skalski seconded the Finding of Fact.

Motion approved for the Finding of Fact by voice vote unanimously.

Mr. Skalski moved to approve the application, seconded by Ms. Doane.

Motion approved by roll call vote unanimously.

Mr. Carroll read the application for 527 W. South Street, Parcel #06-16-498-003:

ZBA #19-11-33: 527 W. South Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Diekema Hamann Architects on behalf of the W.E. Upjohn Institute for Employment Research. The request concerns the property at 527 W. South Street in use Zone RM-15, Residential – Multi Dwelling District. The applicant is requesting a use variance from Chapter 4, Section 4.1, to authorize the conversion of the detached garage planned for living space (per the June 13, 2019 Z.B.A. approval) to commercial office spaces where in Zone RM-15, commercial offices are not identified as a permitted use.

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above. There were 29 notices of public hearing sent and zero responses were received.

Ms. Katie Potts and Mr. Don Edgerly, Diekema Hamann Architects, were the applicants for the variance. Ms. Potts said the Zoning Board last saw them in June when they proposed a use variance for the same property. She said the main structure will, as previously approved, remain office space. The Upjohn Institute is extending their campus to include 527 W. South Street, the south property line butts up against their main commercial lot. Employees will be accessing this lot from the south side. Originally the garage was going to be used as a guest cottage for visiting economists for Upjohn. Due to safety concerns, they do not want someone staying there alone. The Upjohn Institute's board has proposed using this garage as a video recording studio - interviewing, making training videos and a basic business use. They are asking for a use variance for the detached garage.

There were no comments from the public.

Chair Youngs closed the public hearing.

Planner Eldridge asked about further plans of expansion for the Upjohn Institute and the campus. He said it has been difficult to rezone the campus for the Upjohn Institute because there are some homes that are privately owned intermixed with the Institute's properties. Planner Eldridge said the approval earlier this year kept the garage as a residential component

on the property. Mr. Edgerly stated there were no expansion plans at this time. He said the move was done because they were at capacity in their building. It was an opportunity of which they took advantage. Mr. Edgerly said they don't plan to expand significantly with the workforce on the main campus. He said concerns regarding safety were heard within the organization. The garage is set back off the road in a relatively isolated area. Door and windows are on ground level making it easy for someone to kick in the door or window. They believe one person staying there would be vulnerable.

Planner Eldridge asked if they contacted the neighbors and made them aware of the request. Mr. Edgerly stated they haven't had any recent conversations with the neighbors.

FINDING OF FACT

Mr. Skalski moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 527 W. South Street shall include all information included in the notice of public hearing dated October 30, 2019.
- 2.) 29 notices of public hearing were sent, and zero responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following:

Ms. Katie Potts and Mr. Edgerly of Diekema Hamann spoke about the situation. Particularly about the need for additional office space. The original plan was for the garage to be used as a guest cottage. Due to the lack of security, the existing garage sets back from the street, making security issues a concern. The new plan is to use the garage as a video studio. There are no additional plans now to develop further office space.

Mr. Carroll seconded the Finding of Fact.

Motion approved for the Finding of Fact by voice vote unanimously.

Mr. Carroll moved to approve the application, seconded by Ms. van den Hombergh.

Motion approved by roll call vote unanimously.

Mr. Carroll read the application for 1810 N. Pitcher Street, Parcel #06-10-408-001:

ZBA#19-11-34: 1810 N. Pitcher Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Graphic Packaging International, LLC owner of 1810 N. Pitcher Street, which is situated in Zone M-2, Manufacturing – General District. The applicant is requesting a dimensional variance from Chapter 5, Section 5.2, to construction a new building of approximately 118,000 square foot which will be located five (5) feet from the front property line along N. Pitcher Street and seven (7) feet from the east rear property line, where a 25 foot setback is required from the front and rear property lines in this general manufacturing district.

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above. There were 6 notices of public hearing sent and zero responses were received.

Mr. Rusty Miller, Senior Vice President of Engineering for Graphics Packaging, was the representative for the variance. He shared they have a paper/board manufacturing facility on N. Pitcher, and they have a project to double the capacity in Kalamazoo. He said they will go up to recycling over 800,000 tons of fiber. To do that they have been purchasing and razing brownfield sites. They want to install a new paper machine to produce the additional paperboard. The paper machine is 600 feet long and over 18 feet wide. Mr. Miller said they are constrained by the lot. There are railroad tracks on one side and Pitcher Street is on the other. To fit in the space, we are asking for variances – one to the railroad tracks and one to Pitcher Street. The other buildings are similar with similar setbacks on the property. They met with one neighbor who has no issues with this variance.

There were no comments from the public.

Chair Youngs closed the public hearing.

Planner Eldridge stated this particular property is a brownfield site. Graphics Packaging owns all the way down to Paterson and other area properties. He did find a similar variance granted for the corner of Paterson and N. Pitcher. It was a variance to go within 5 feet of the front property line along N. Pitcher and 5 feet along the property line of the railroad tracks. This area is industrialized in nature. Planner Eldridge stated that the 25' setback which applies to the M-2 zone district is designed to mitigate the nuisances that go along with a heavy manufacturing area and protect adjacent properties. In this case, the adjacent properties are owned by Graphics Packaging, the Railroad or the City of Kalamazoo Wastewater Treatment facility. Looking at land uses, this request does not create any concerns. It is also consistent with earlier phases of Graphics Packaging production facility on the east side of N. Pitcher Street extending all the way down to Paterson. The older parts of the building are all the way up to property line or set-back in that 5 ft range. There is a tunnel (access corridor) that bisects the property for the Wastewater Treatment Plant, but it is something they had to work around.

Mr. Skalski stated that because of the development and location, he doesn't see any problem. He believes the development is positive for the City, and any negatives are outweighed by the positives.

FINDING OF FACT

Chair Youngs moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 1810 N. Pitcher Street shall include all information included in the notice of public hearing dated October 30, 2019.
- 2.) 6 notices of public hearing were sent, and zero responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following:

Mr. Rusty Miller, Senior Vice President, spoke about the recycling facility expansion doubling the size of material to 800 tons. They have purchased and razed property to the north. They will install a new machine which has capacity of 500 tons. They are constrained by machine size and lot size. Requesting variances on Pitcher and Railroad. There are similar setbacks with existing buildings. Staff said it is a brownfield site. They own from Paterson to Mosel. Prior variance was in place for site at Pitcher and Paterson. Set back designed to protect property owner. Surrounding land use of existing property matches existing buildings in place. There is an easement for stormwater to the waste plant on the property.

Ms. van den Hombergh seconded the Finding of Fact.

Motion approved for the Finding of Fact by voice vote unanimously.

Mr. Carroll moved to approve the application, seconded by Mr. Skalski.

Motion approved by roll call vote unanimously.

Mr. Carroll read the application for 3121 Portage Street/ 1101 E. Cork Street, Parcel #06-26-374-002 and 06-26-374-001:

ZBA# #19-11-35: 3121 Portage Street/ 1101 E. Cork Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by PUCCI Properties LLC and Kzoo One, LLC owners of 3121 Portage Street and 1101 E. Cork Street. which are situated in Zone CN-1, Commercial Neighborhood District and Zone CC, Commercial – Community District. 1.) The applicant is requesting: 1) A

dimensional variance from Chapter 5, Section 5.2, to redevelop a site that is 32,600 square feet where the maximum site area for a commercial development in Zone CN-1 is 15,000 square feet; and 2) a dimensional variance from Chapter 50-72 1, to authorize 2 parking spaces above allowed maximum number of off-street parking spaces of 11 for a total of 13 off-street parking spaces for the proposed credit union.

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above. There were 51 notices of public hearing sent and zero responses were received.

Mr. Nicholas Spigiel from Kreis Enderle, and Mr. Matt Lahman, President of Kalsee Credit Union, were the applicants for the variance. They want to open a new bank branch, one development on two lots on the corner of Portage and Cork Street. One of the lots is zoned CC and one is CN. The impervious surface is too much for the CN zone, but the lots will ultimately be combined. They stated their plans will add green space and a sidewalk. They would also like to add a couple more parking spots. The applicants stated they will be getting rid of three curb cuts in doing this project. They will have one at the furthest point they can on Portage and one other on Pasadena, so people won't have to turn off Cork. Mr. Spigiel and Mr. Lahman indicated they need both of those curb cuts for fire access. They said they've worked with the City as far as parking spaces, and then gave comparisons to other banks in area. They said they are at a lot less spaces for other banks in area. Mr. DeCamp has talked with the neighborhood. They indicated a majority are in support of the project and any issues raised were addressed.

Chair Youngs asked how many employees were at the bank and how many parking spaces they will need. The applicant stated the branch will have 4-5 employees with one car per employee. Chair Youngs verified the curb cut locations – one on Pasadena and moving the Portage curb cut further down and no curb cut on Cork.

Mr. Skalski expressed support of the project – saying he was pleased to see the reduction and relocation of the curb cuts and drives. He also found the addition of green space positive.

Mr. Greg Pucci, Owner of Stanley Steamer, came forward in favor of the request. He said their business moved out because of space issues. Mr. Pucci didn't feel they were the right type of development for the vision of the city. He thinks the bank is a great development. He likes the addition of green space, and he believes they will have a lot less impact on the neighbors. He stated support and hoped the board will approve the variance.

Ms. Dorothy Appleyard came forward in opposition of the request. Not really opposed to the development, but she expressed concerned about future of the neighborhood. The applicant's request more than doubles the square footage of the development site. Ms. Appleyard said she assumed the City created these standards to preserve a certain scale of building in a neighborhood commercial development area. Her biggest concern is the type of traffic this will encourage because it will have a drive-through. She was also concerned that if the variance stays with the land, it could open a future development of a big box store that would be inappropriate for the neighborhood.

Chair Youngs closed the public hearing.

Planner Eldridge stated the planning staff has met with Kalsee and their architect to look at various ways to redesign the site. They have made changes to bring it into alignment with the Commercial Neighborhood zone district as well as the future rezoning to the Live Work 1 designation. He said the lot area requirement is 15,000 square feet to limit the scale of the commercial buildings when looking at adjacent to neighborhoods. In this case, the building itself is in keeping with the requirement. The applicant added drive-through and maneuvering lanes to that. Planner Eldridge added that curb cuts changes will discourage cut-through traffic and reduce the congestion created with pulling in and out of site. There is a lot of positive attributes with this proposal. He said the new parking ordinance does work to reduce the number of off-street parking and reduce overall impervious cover of commercial developments. The ordinance for parking is based on square footage of building. In this case, that comes out to be 10 parking spaces plus 10% over which gets them to 11 spaces. The desired number of parking places (13) is at the low end of the range for other Kalsee locations and other banks in the area.

FINDING OF FACT

Mr. Carroll moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 3121 Portage Street/ 1101 E. Cork Street shall include all information included in the notice of public hearing dated October 30, 2019.
- 2.) 51 notices of public hearing were sent, and zero responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following:

Michael Spigiel, Kreis Enderle and Matt Lahman, President of Kalsee Credit Union spoke on behalf of the applicant. They desire to open a credit union on two lots. They believe their plan meets the spirit of the CN zoning. They have been working with the city staff to devise a plan for 13 parking spaces. Mr. Spigiel spoke of plans for increased green space. Mr. Decamp was referenced to believe to have support of the neighbors. Full staff of the credit union would be 4-5 persons each with a vehicle. Mr. Greg Pucci, owner of Stanley Steamer, owns many properties in the area and supports the application. Ms. Dorothy Appleyard lives a few blocks south of the proposed development. While not opposed to the development, concerned that proposed building is two times larger than the City wants per the zoning. She is concerned

that traffic will increase to detriment of the area. Concerned the variance could allow big box type development in the future. City staff has met with Kalsee and architects multiple times to create a project that meets the spirit of the zoning including compliance with Live Work 1 designation which includes the encouragement of both vehicle and pedestrian use. Staff believes the building size and height meet spirit of zoning requirements. Support changed curb cuts as beneficial for many reasons. Parking at 13 spaces low compared to other similar developments yet still two spaces in excess of the ordinance plus 10%.

Mr. Skalski seconded the Finding of Fact.

Motion approved for the Finding of Fact by voice vote unanimously.

Chair Youngs informed the applicants there is one member of the board who is abstaining from the vote because she is a member of the credit union. That would leave 4 who can vote. He asked if they wanted to continue or wait until they have a full board to vote. Applicants decided to continue with the vote.

Mr. Carroll moved to approve the application for a dimensional variance from Chapter 5, Section 5.2, to redevelop a site that is 32,600 square feet where the maximum site area for a commercial development in Zone CN-1 is 15,000 square feet, seconded by Mr. Skalski.

A roll call vote was taken with Mr. Jeff Carroll, Chair Reed Youngs and Mr. Dick Skalski voting to approve. Ms. Beth van den Hombergh voted no. Ms. Christina Doane abstained. Motion was not approved.

Chair Youngs asked the applicants if they wanted to continue with the second vote. Applicants stated they would like to continue with the vote.

Mr. Carroll moved to approve the application for a dimensional variance from Chapter 50-72 1, to authorize 2 parking spaces above allowed maximum number of off-street parking spaces of 11 for a total of 13 off-street parking spaces for the proposed credit union, seconded by Mr. Skalski.

A roll call vote was taken with Mr. Jeff Carroll, Chair Reed Youngs and Mr. Dick Skalski voting to approve. Ms. Beth van den Hombergh voted no. Ms. Christina Doane abstained. Motion was not approved.

OTHER BUSINESS:

Planner Eldridge pointed out the tentative meeting schedule for 2020. He noted the change of meeting date in April, to avoid the school's spring break.

Chair Youngs announced that he has an offer on his house. He will not be moving until December 20, so next month will be his last meeting. He stated that will bring them to a board with no alternate.

Mr. Skalski announced that he will miss the December and March meetings. Ms. van den Hombergh said she can fill in for Mr. Skalski.

ADJOURNMENT:

The meeting was adjourned at 8:45 p.m.

Submitted By Beth Cheaseman Date 12/12/19
Recording Secretary

Reviewed By Peter Eldridge Date 12/12/2019
City Staff

Approved By Rud J Date 12-12-19
Chair