

**MINUTES  
CITY OF KALAMAZOO  
ZONING BOARD OF APPEALS\*  
May 14, 2020 - 7:00 p.m.  
CITY COMMISSION CHAMBERS**

\* This meeting of the Zoning Board of Appeals was held on Tuesday, May 14, 2020 at 7:00 p.m. This meeting was held as an electronic meeting under the authority of Executive Order 2020-15 issued by Governor Gretchen Whitmer.

**Members Present:** Matt Lager, Dick Skalski, Chris Flach, Christina Doane, Jeff Carroll, Beth van den Hombergh

**Members Absent:**

**City Staff:** Pete Eldridge, Assistant City Planner; Clyde Robinson, City Attorney; Deanna Benthin, Recording Secretary

**Chair Lager called the meeting to order at 7:04 p.m.**

Chair Lager noted the meeting was being streamed live on Facebook and the City's You Tube channel.

Mr. Eldridge stated the public had the ability to call in for audio and the public could call in to 269-226-6573 to leave comments for any of the properties on the agenda.

**MINUTES:**

**Ms. van den Hombergh, moved to approve the minutes of February 13, 2020 as submitted, seconded by Mr. Skalski.**

**Motion approved by voice vote unanimously.**

**Ms. van den Hombergh, moved to approve the minutes of May 5th, 2020 Special Meeting as submitted, seconded by Mr. Skalski.**

**Motion approved by voice vote unanimously.**

**NEW BUSINESS:**

**PUBLIC HEARINGS:** Chair Lager summarized the process and explained the Zoning Board of Appeals public hearing rules of procedures. For each request, the secretary will read the application into the public record. The applicant or their representative will have 10 minutes to present their comments, followed by public comments received via phone will be aired for the panelist and audience. Then the public hearing would be closed on the request. The Board

would then conduct the finding of facts. The Board must approve the Finding of Fact. Therefore, the first vote you here is not a ruling on the request, but the Finding of Fact, then the Board discusses the request in order to determine a ruling. The Board reserves the privilege to ask questions of persons who have already spoken even though the public comment portion is now closed. Once discussion has ended the Board moves onto a roll call vote. A full board consists of six members and four affirmative votes are required to grant a motion for a non-use or use variance.

Ms. Doane read the application for 4501 Arboretum Parkway, Parcel #06-19-118-002:

**ZBA #20-05-09: 4501 Arboretum Parkway: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by American Kendall Properties, LLC owner of 4501 Arboretum Parkway (Parkway Flats Apartments), which is situated in Zone RM-24, Residential – Multi Dwelling District. The applicant is requesting a dimensional variance from Chapter 9, Section 9.2A, to increase the number of off-street parking spaces by 39 spaces for this nonconforming development which currently is over the maximum number of allowed off-street parking spaces by 210 spaces. The total number of off-street parking spaces if approved would be 514 spaces to serve the 241-unit complex.**

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 nine notices of public hearing sent and zero responses were received.

JR Kendall, owner of American Kendall Property LLC, the developer and builder of Parkway Flats, stated they finished the project last September and have a high 90% occupancy rate. They have a higher number of cars with that occupancy rate. They implemented a parking pass system to make sure any renters of the 159 garages are using those to park in and not for storage, and if they have a second car it's parked on the apron behind the garage, yet there's still spill over. It's a nuisance of people parking on the street, but management is trying to deal with it. They have 475 parking spaces now and are asking for 39 more spaces on the interior of the project, they can easily add those without visual changes.

Alex Phelan, the Engineer on the project spoke to the seven requirements that are being met, commenting there isn't any on-street parking available. They feel there's a hardship, they are on the edge of the City without shared parking uses available.

Mr. Carroll asked what the current parking garage occupancy rate was, if 100% of the garages were rented. Mr. Kendall stated they stay full. Mr. Carroll asked when being developed did they know it was on the outskirts of the City. Mr. Phelan stated yes. Mr. Carroll asked if a lower occupant load in the complex would help. Mr. Phelan stated yes.

Ms. van den Hombergh asked about storm water run-off. Mr. Phelan stated when the property was zoned it was zoned for a higher intense use of a larger retail use. The basins were designed for a higher use for a 90% impervious area. It was designed for a 65% discharge use.

Ms. Doane asked what the increase in discharge would be. Mr. Phelan stated they can go up to 65%. They will be about at about .2% or .3% impervious increase, well below the 65% required.

Mr. Eldridge ask for clarification on the composition of the units, the student versus professional ratio. Mr. Kendall said they have around 30% of grad and under grad students, some empty nesters, and professionals also, it's a mix of age groups and professions. They have 107 one-bedrooms, 115 two-bedrooms and 19 three-bedroom apartments.

Mr. Flach asked when they originally purchased the property and built the building has the parking space requirements changed. Mr. Phelan stated the zoning ordinance changed, 110 maximum parking spaces wasn't a requirement, they were above what's required when designing it. Mr. Flach commented now after the idealism of wanting more green space versus parking and hoping for more walkability has turned into a fact it's a detriment to not have enough parking. Mr. Phelan stated they tried to minimize the footprint of the project and have more green space, open space and less water discharge. This project took off and they don't have the parking for the demand of the units. The ordinance then changed, which puts them into this situation, or they would have maximized their footprint. They are just requesting enough to meet their need.

Mr. Flach asked what other option they have? Mr. Eldridge referred to Arboretum Parkway not having any on-street parking available. He circled back to the units, total bedrooms all together are at 394 bedrooms, divided by 514 parking space that is 1.3 parking spaces per bedroom in comparison with student rental areas that allow for two parking spaces per dwelling unit, the overall parking calculation is not all that high for this site. This complex doesn't have an unfavorable number of off-street parking spaces. If student occupied it would require more in his opinion, but that's only at 30%, this is just a popular complex.

Mr. Flach asked how many parking spaces they are allowed, not what's grandfathered in. Mr. Phelan stated they have 362 parking spaces.

Mr. Carroll questioned if the green space beauty adds to why they are popular. Mr. Kendall hoped so. Mr. Carroll stated the pedestrian nature and soccer field has a walkable vibe working towards their popularity.

Chair Lager asked where the parking will be added. Mr. Phelan stated where the problem areas are, they will utilize seven spaces in one spot without losing green space. Then added parking spaces where they saw people parking in grass. The remainder of parking spots they'll add asphalt.

Mr. Carroll questioned if other than the garages, are any of the other parking spaces assigned for or being charged for. Mr. Carroll asked if they charged for parking spaces would the demand for parking go down. Mr. Phelan stated demand for apartments would probably go down. Mr. Carroll commented he's having a hard time with recycling the green space vibe, if they charged for parking spaces would it help the issue, stating they have a waiting list.

Mr. Phelan stated they are only asking to add a small percentage of area and not affecting the overall feel of the area. Per the ordinance they can go up to 65% impervious coverage and they are still below that. Mr. Carroll referred to his statement it doesn't impact neighboring parcels but spoke to his concern with the neighboring property with over 700 children crossing Arboretum Parkway with no cross walk there. Mr. Phelan stated they can't control the traffic; the hotspot is the left drive access that's a problem for them, it's a function for the bank also. The cars are already there, they are just giving them a spot to park.

Mr. Flach asked for clarification on the purpose of the zoning ordinance relating to this. Mr. Eldridge stated it's to eliminate excess asphalt parking, the new ordinance applies to new apartment complexes, grocery stores, etc. under the new parking standards it's one parking spaces per one dwelling unit, you can exceed that up to 10%, so there's 241 units they have 241 parking spaces with 24 additional allowed for a total of 265 parking spaces allowed. This site is already over that number, requiring the variance. They've limited the coverage which wasn't in effect when they built it. In the RM15-C district they can have two spaces per dwelling unit standard, but this is not the predominant makeup of the complex.

Mr. Phelan spoke of other areas and they want to limit the green space area. It's more downtown in downtown settings. Mr. Carroll questioned Mr. Phelan if he was aware of those ordinances in other cities prior to this project. He stated yes. Mr. Carroll asked if Mr. Phelan had too many units or not enough parking spaces. Mr. Phelan stated they didn't see the need to for that many parking spaces, they wanted to have more green space than a sea of asphalt.

Ms. Doane clarified for 39 spaces only 32 are breaking new ground and the other seven are repurposing existing spots, and in his opinion, this will fulfill their needs for the future. Mr. Phelan replied yes.

Mr. Eldridge stated there were no comments received from the public.

There were no comments received during the public hearing.  
Chair Lager closed the public hearing.

## **FINDING OF FACT**

Mr. Skalski moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 4501 Arboretum Parkway shall include all information included in the notice of public hearing dated April 29, 2020.
- 2.) Nine 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. Kendall of American Kendall Property LLC, owner of Parkway Flats and Engineer Alex Phelan spoke to the issue of parking, there is no off -street parking available in the area, the garages are near 100% capacity. The storm water demand, the majority of the original development would have been at 90% impervious, the current site is approximately at 60% impervious, with the improvements it will be less than 65% if approved. There are 107 one-bedrooms, 115 two-bedrooms and 19 three-bedroom units.

**Mr. Flach seconded the Finding of Fact.**

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

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

Mr. Flach stated he was in favor, it's in line with the spirit of the zoning ordinance, the ordinance is to minimize asphalt and to increase walkability, they tried to limit the original parking but found they needed to increase the parking area.

Mr. Skalski stated he was in favor of the request, commenting he walks nearby, the parking is within their site. He spoke to other developments that could have been on the site with 90% impervious coverage and this would only be at 65% impervious coverage.

Mr. Eldridge commented the asphalt is a minimum amount, they meet the storm water requirements, it's handled with what is in place, they have green space and landscaping requirements all met.

**Motion approved by roll call vote unanimously.**

Ms. Doane read the application for 736 Jackson Street, Parcel #06-22-293-007:

**ZBA #20-05-06: 736 Jackson Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Remi Harrington owner of 736 Jackson Street, which is situated in Zone RM-15, Residential – Multi Dwelling District. The applicant is requesting: 1) A use variance from Chapter 4, Section 4.1, to allow for a commercial agricultural use and educational programs on this residentially zoned property. This includes a green house and pavilion along with planting bed areas. 2) A dimensional variance from Chapter 50 -7.2, for one off-street parking space, where two are required. 3) A dimensional variance from Chapter 6, Section 6.3 A 2, for two feet to allow six-foot fencing in the front yard on Jackson Street**

**and Neumaier Court where only four-foot fencing is permitted for a residential zoned property.**

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 thirty-six notices of public hearing sent and zero responses were received.

Ms. Harrington stated their hope to have multifunctional community farm and garden site, they purchased the property in 2013. They've been operating there for a number of years, it's an urban green initiative to create a pocket park, she developed a book and is able to leverage funding to expand development efforts to erect a green house, and several different layers of urban agriculture, within the three component project in the Edison Neighborhood. There could be contamination on site so there will be raised beds, rain harvesting, composting, create a system for food waste also. They have support from surrounding organizations, Boys and Girls Club, the Kalamazoo Public Schools offers transportation, Kid Net. There will be sixteen part time staff on site rotating hours. It's to create opportunities and space for industry for people in the community, with food insecurity they want to participate in the food industry eco system for people in the neighborhood.

Chair Lager asked about the one off-street parking space and fence. Ms. Harrington stated zoning requires two parking spaces, for staff members on site, they only have one onsite parking space.

Mr. Eldridge replied for this use they would look at the maximum workers on the largest shift, it's agriculture in nature, that requires two, but there may only be one person there at one time. Ms. Harrington clarified the kids are bussed into the site, they operate for one month out of the year and have two classes a day for 25 kids. YOU helps with the kids, other staffing is bussed in with the kids and chaperones them, they don't need to utilize parking.

Chair Lager asked for clarification on the fence. Ms. Harrington stated the 6-foot fence is to maintain the produce, and for food safety also. Chair Lager stated it refers to it as a commercial/agricultural use, he sees it as a community garden. Mr. Eldridge commented it's the business aspect. It's a use variance because agricultural uses are not allowed in residential areas, there's no home on the property, it's going to be used for agriculture, with a green house and farm stand to sell produce.

Mr. Skalski commented on the primary goal is educational for the youth of the area. Mr. Eldridge stated yes, it's an educational summer program running for a month for kids, the agriculture component will be year-round.

Chair Lager clarified the produce will be grown by the kids then sold by the non-profit. Ms. Harrington stated yes.

Mr. Flach asked how much of the space will be fenced. Ms. Harrington stated the entire perimeter.

Ms. van den Hombergh had concerns with the 6-foot fence. Ms. Harrington replied there's the standard 4-foot farm fencing, she doesn't want an attractive nuisance to have kids jump the fence. It's a business operation and she wants to deter it, but if children need food, she must take that into consideration also.

Mr. Carroll questioned a photograph of a fence provided to the Board. Ms. Harrington replied she was referring to that photo as a style of fence she wants; they want to design a fence that meets the functionality of the property.

Ms. Harrington stated they have support from the neighbors; they've been provided water from neighbors and they even help weed the gardens. Ms. van den Hombergh questioned if they've had any issues with vandalism there with the 4-foot fence or with people not respecting the property there. Ms. Harrington stated someone broke their sign, it's been the only issue, and that could have been an accident.

Ms. Doane stated the difference between a 4-foot and a 6-foot fence is to plan for the future of the expansion. Ms. Harrington replied yes.

Speaking to the request:

Michelle Morren spoke against the 6-foot fence request stating her children ride their bikes along the street, they are blocked by the Loaves and Fishes building, it's a blind spot, she'd like a 4-foot fence, they'll be blind-sided. She wants it due to safety measures and feels it should be open to the community or in an area allowed.

Paul Bountivene, 1420 Ferndale Avenue stated he was in support of all three requests at 736 Jackson, 1316 Mills and 1503 Washington.

Breane Fonzo, resident of the Vine Neighborhood stated she was in support of all three requests at 736 Jackson, 1316 Mills and 1503 Washington. Ms. Harrington along with Zoo City is creating incredible things for the City and meets the plans for the Imagine Kalamazoo.

Mariel Borgeman, representing MSU Extension in Kalamazoo, 224 E. Crosstown Parkway, she spoke to the benefits of Urban Agriculture for the properties submitted by Ms. Harrington, she's in support of the community, food security, educational opportunities, neighborhood support, spoke to the benefits for the community beyond food.

Jenny Dozema, works at the Nature Center, lives on Woodward Avenue, she was in support of all three requests at 736 Jackson, 1316 Mills and 1503 Washington; it will support community prosperity, business development, provide food, community support, it's a people of color lead effort and that needs better support in the community also.

Lindsey Taylor, 1420 Ferndale Ave, stated she supports all three requests at 736 Jackson, 1316 Mills and 1503 Washington.

Laura, a community member of the Vine Neighborhood, spoke in support of all three requests at 736 Jackson, 1316 Mills and 1503 Washington stating the transitioning of residential space to an agricultural area will act as a central hub for community members, they'll help solve issues for poverty, food security and nutrition, justice in the food system utilizes the properties and was in support of Zoo City.

Richard Stewart, 828 Portage St. spoke to the 736 Jackson Street requests. He supports the initiative however, if they approve the 6-foot fence he asks that all the neighbors are given the opportunity to match the fence height, to have a similar look, and spoke to the crime issues. He had a concern with the approval, if approved what prohibition is there of growing marihuana there.

Mr. Eldridge spoke to the growing of marihuana mentioned by Mr. Stewart. The ordinances that allows for licensed medical and adult use facilities don't allow these in a residential zone district. If the sites are repurposed it wouldn't be a marihuana grow facility. The first request for the use variance is in a residential zone district and there's no residential component on the property. These all still must go through site plan review, the standards will be addressed for the layout of the sites and if restrooms would be required. Regarding the off-street parking request standards, staff isn't concerned with a parking demand for the site. However, staff is not supportive of 6-foot fencing in the front yard, especially when it comes to corner lots.

Mr. Carroll questioned the variance request as it is going from residential to commercial, commercial has a 6-foot ordinance. He asked if the residential houses on that street are limited to 4-feet. Mr. Eldridge stated the ordinance is 4-feet in the front yard for the street side. The side and rear can be 7-foot. Mr. Carroll questioned if there are other places in the City with a higher fence with over 75% opacity. Mr. Eldridge stated yes, there are other non-conforming fences around the city, however, they'll have to be replaced with complying fences once they start to fail. Mr. Eldridge stated staff doesn't support the 6-foot fence. The height of the fence still is inconsistent with the front yard aesthetics, there isn't a lot of fencing in the front yard. It's not within the theme of what the City wants in front yards.

Chair Lager closed the public hearing.

## **FINDING OF FACT**

Mr. Carroll moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 736 Jackson Street shall include all information included in the notice of public hearing dated April 29, 2020.
- 2.) Thirty-six 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. Harrington of Zoo City Farm and Food Network spoke on behalf of the request, the use variance is due to no residence being on the property, the commercial is due to the farm stand and distribution component of the operation, the fence variance is for general food safety, the fence would be erected around the entire property as proposed as to discourage attractive nuisance and deer damage. There were six general comments from Ms. Morren, Mr. Bountivene, Ms. Fonzo, Ms. Borgeman, Ms. Dozema, Ms. Taylor and Laura a resident of the neighborhood who spoke in general support of the use, none of them spoke to the fence or the parking variances, they were just in favor of the use. Ms. Morren was concerned with the blind spot at this location with a higher fence, and the project should be open to the public or put into a commercial area. Richard Stewart was in support of the 6-foot fence, but it should apply to all neighbors, and had concerns with future marihuana growth at the property that city staff addressed as not being eligible for a license.

**Ms. Doane seconded the Finding of Fact.**

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

Attorney Robinson clarified for the use variance, it's an agricultural/commercial variance that will run with the land. However, the Board can attach a condition to the variance that marihuana/agricultural activities cannot take place as part of the activities on the property. He clarified the applicant is proposing the use, but if this land were sold in the future, the future owners could change the use.

**Ms. Doane moved to approve the application 1) for a use variance from Chapter 4, Section 4.1, to allow for a commercial agricultural use and educational programs on this residentially zoned property. This includes a green house and pavilion along with planting bed areas, conditioned upon no marihuana grow operations permitted, seconded by Mr. Skalski.**

Chair Lager spoke in favor, stated it's an exciting initiative.

Ms. Doane spoke in favor, commenting on the support from the local community.

Ms. van den Hombergh spoke in favor.

Mr. Flach spoke in favor, commenting it's hard to repurpose the properties in the neighborhood and this is a good use.

Mr. Skalski spoke in favor and had seen other such types of gardens in use.

**Motion approved by roll call vote unanimously.**

**Ms. Doane moved to approve the application for 2) a dimensional variance from Chapter 50 -7.2, for one off-street parking space, where two are required seconded by Mr. Skalski.**

**Motion approved by roll call vote unanimously.**

**Ms. Doane moved to approve the application for 3) a dimensional variance from Chapter 6, Section 6.3 A 2, for two feet to allow six-foot fencing in the front yard on Jackson Street and Neumaier Court where only four-foot fencing is permitted for a residential zoned property, seconded by Mr. Skalski.**

Chair Lager stated he'd be voting against the height of the fence, it's against the character of the neighborhood and is in a residential area,

Mr. Skalski questioned if both Neumaier Ct and Jackson St. were considered front yards. Mr. Eldridge stated yes, both are considered front yards.

**Motion denied by roll call vote.**

Vote:

Yes: Flach, Skalski

No: Carroll, Lager, van den Hombergh, Doane

Ms. Doane read the application for 1316 Mills Street, Parcel #06-23-323-198:

**ZBA #20-05-07: 1316 Mills Street: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Remi Harrington owner of 1316 Mills Street, which is situated in Zone RD-19, Residential – Duplex District. The applicant is requesting: 1) A use variance from Chapter 4, Section 4.1, to allow for a commercial agricultural use on this residentially zoned property. This includes a greenhouse and raised planting beds. 2) A dimensional variance from Chapter 50 -7.2, for two off-street parking spaces, where two are required. 3) A dimensional variance from Chapter 6, Section 6.3 A 2, for two feet to allow six-foot fencing in the front yard along Mills Street where only four-foot fencing is permitted for a residentially zoned property.**

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 ninety-seven notices of public hearing sent and one response was received.

Ms. Harrington, the applicant for the variance stated this is consistent with the 736 Mills Street project, however, this will be a worker owned co-operative. They've been working with Urban Alliance allowing them to utilize their parking spaces there. It'll be a sustainable system, with twelve different shares for the site to participate in, to help the economy, sell food at the farmers market. Create space for biodiversity and regenerative agriculture. To have a farm in the neighborhood it's supportive for the people and they have support from the neighborhood.

Chair Lager clarified this project is a worker owned co-operative the twelve people will have shares and can sell produce at the Farmer's Market. It will look like a community garden when driving by. Ms. Harrington stated to her it's an urban farm environment. They have Urban Alliance's approval to use their parking, the fence is for the functionality. Chair Lager questioned if any factors are different from the Mills Street request. Ms. Harrington stated the preservation of and the functionality of the space as urban producers is her argument.

Mr. Eldridge clarified a letter from Luke at Urban Alliance is for their support, but he questioned if she had any further communication of his approval for parking. Ms. Harrington thought Urban Alliance had already given that support. Upon further reading Mr. Eldridge clarified it stated that Urban Alliance was willing to allow the use of their parking lot to designate parking for the farm since they don't have adequate parking.

Public comments:

Chaz Wells, from the Vine Neighborhood, in support for Washington, Jackson, and Mills Street, their good initiatives for food, for agriculture, for diversity, it's open to the community, surrounding themselves with support from the community.

Chair Lager spoke of the previous support from the Mills Street variance already called in and spoken for.

Chair Lager closed the public hearing.

## **FINDING OF FACT**

Ms. van den Hombergh moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 1316 Mills Street shall include all information included in the notice of public hearing dated April 29, 2020.
- 2.) Ninety-seven 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 an email of support from the Urban Alliance confirming they will assist with parking.

- 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. Harrington has requested a variance for a green house, raised beds, two parking spaces, and a 6-foot fence, of the eight comments that were listed of the application only two mentioned fencing, even with the fencing they were in support of the garden, the Urban Alliance is going to allow parking, there's a feeling of bio diversity, social sustainability, and it will foster community building. Mr. Eldridge confirmed support from the Urban Alliance for parking. Chaz Well from the Vine Neighborhood called in support for all three requests and liked that the garden was open to the community.

**Mr. Carroll seconded the Finding of Fact.**

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

**Ms. Doane moved to approve the application for 1) a use variance from Chapter 4, Section 4.1, to allow for a commercial agricultural use on this residentially zoned property. This includes a greenhouse and raised planting beds, conditioned upon no marihuana grow operations permitted, seconded by Mr. Skalski.**

Chair Lager stated he was in support for the same reasons he was for the Mills Street request.

**Motion approved by roll call vote unanimously.**

**Ms. Doane moved to approve the application 2) for a dimensional variance from Chapter 50 -7.2, for two off-street parking spaces, where two are required, with the condition that they maintain support from the adjacent property owner for parking, seconded by Mr. Skalski.**

Attorney Robinson commented this is dependent upon Urban Alliance to assist with the parking. If it was withdrawn or the building is sold, and the new owners withdraw that support they may want to make the variance conditional on support of parking from the adjacent property owner.

Ms. Doane amended the main motion with conditional parking and was seconded by Mr. Skalski.

**Motion approved by roll call vote unanimously.**

**Ms. Doane moved to approve the application for 3) a dimensional variance from Chapter 6, Section 6.3 A 2, for two feet to allow six-foot fencing in the front yard along Mills Street where only four-foot fencing is permitted for a residentially zoned property, seconded by Mr. Skalski.**

Mr. Skalski stated this fencing is in mid-block and he will be in support.

Chair Lager stated he's against the request, it's in a residential neighborhood and is a visual issue for him.

Mr. Eldridge commented there is a curb-cut shortly after this into the Urban Alliance property.

**Motion denied.**

Vote:

Yes: Chris,

No: Skalski, Carroll, van den Hombergh, Doane, Lager

Ms. Doane read the application for 1503 Washington Avenue, Parcel #06-23-343-055:

**ZBA# 20-05-08: 1503 Washington Avenue: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Remi Harrington owner of 1503 Washington Avenue, which is situated in Zone RM-15, Residential - Multi Dwelling District. The applicant is requesting: 1) A use variance from Chapter 4, Section 4.1, to allow for a commercial agricultural use on this residentially zoned property. This includes a structure with vertical planting beds and other raised planting beds on the property. 2) A dimensional variance from Chapter 50 -7.2, for two off-street parking spaces, where two are required. 3) A dimensional variance from Chapter 6, Section 6.3 A 2, for two feet to allow six-foot fencing in the front yard along Washington Avenue and Division Street where only four-foot fencing is permitted for a residentially zoned property.**

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 eighty-seven notices of public hearing sent and zero responses were received.

Ms. Harrington was the applicant for the variance, there will be vertical beds, designed to create space for elders to grow, designed for that consideration in mind, it's a micro-nursery, to rent beds with the help of AARP. This space is for people on Washington Avenue she has personal relationships with people and will rent out spaces for a nominal fee. They hope to have an Urban Orchard for tree planting, it's proposed and have the space.

Mr. Eldridge commented, it's marketed too resident's in the area, within walking distance, they'll tend to the beds, the structure with an arbor on top it's showing a 12 x 24 structure, it will require site plan review approval. These beds will be on walls and help elders who can't be on the ground tending to produce. There's no need for parking, the residents will walk to it. It's a corner lot, tree plantings will be nearest the neighbor's houses.

There are no public comments for this, but comments from five callers total spoke in support previously of all three sites.

Chair Lager closed the public hearing.

**FINDING OF FACT**

Mr. Flach moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 1503 Washington Avenue shall include all information included in the notice of public hearing dated April 29, 2020.
- 2.) Eighty-seven 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. Harrington stated the Board was unlikely to grant a 6-foot fence request, the community is to be a part of this, it's built for people with mobility issues, it will be a micro-nursery, raised beds will be rented for a nominal fee, It will have an urban orchard, lots of trees planted. Mr. Eldridge noted staff is not in favor of the 6-foot fence, comfortable with limited parking, do to this being marketed to people who are within walking distance and they can park on Washington Street during the day if needed, there were five previous comments in support.

**Mr. Skalski seconded the Finding of Fact.**

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

**Ms. Doane moved to approve the application 1) for a use variance from Chapter 4, Section 4.1, to allow for a commercial agricultural use on this residentially zoned property. This includes a structure with vertical planting beds and other raised planting beds on the property, conditioned upon no marihuana grow operations permitted, seconded by Mr. Skalski.**

**Motion approved by roll call vote unanimously.**

**Ms. Doane moved to approve the application 2) for a dimensional variance from Chapter 50 -7.2, for two off-street parking spaces, where two are required seconded by Mr. Skalski.**

**Motion approved by roll call vote unanimously.**

**Ms. Doane moved to approve the application 3) for a dimensional variance from Chapter 6, Section 6.3 A 2, for two feet to allow six-foot fencing in the front yard along Washington Avenue and Division Street where only four-foot fencing is permitted for a residentially zoned property seconded by Mr. Flach.**

Mr. Flach stated there's no neighborhood opposition to it, it's a unique and was in favor

**Motion approved by roll call vote.**

Vote:

Yes: Carroll, Flach, Skalski, Doane

No: van den Hombergh, Lager

**OTHER BUSINESS:**

**ADJOURNMENT:**

**The meeting was adjourned at 9:20 p.m.**

**Submitted By** \_\_\_\_\_ **Date** \_\_\_\_\_  
Recording Secretary

**Reviewed By** \_\_\_\_\_ **Date** \_\_\_\_\_  
City Staff

**Approved By** \_\_\_\_\_ **Date** \_\_\_\_\_  
Chair