



ZONING BOARD OF APPEALS

Thursday, March 26, 2026 at 5:30 PM

City Hall, 2nd Floor, Chambers

AGENDA

- 1. CALL TO ORDER.**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. ADOPTION OF AGENDA, MARCH 26, 2026**
- 5. APPROVAL OF MINUTES.**
 - A. Minutes of January 22, 2026
- 6. PUBLIC COMMENTS OR COMMUNICATION (NON-AGENDA ITEMS)**
(3-Minute Limit)
- 7. PUBLIC HEARINGS**
 - A. A. Request for a use variance at 323 S Cooper Street (Parcel #5-0305.6100)
- 8. NEW BUSINESS**
- 9. BOARD MEMBER ANNOUNCEMENTS**
- 10. NEXT MEETING REMINDER, APRIL 23, 2026.**
- 11. ADJOURNMENT.**

MINUTES – ZONING BOARD OF APPEALS MEETING

5:30 PM January 22, 2026

I. Call to Order

Chairman Grieve called January 22, 2026, Zoning Board of Appeals meeting to order at 5:34 pm.

II. Roll Call

PC Member	Present	Absent	Excused
Clyde Mauldin			
Karl Grieve			
Bob VanSumeren			
Wanda Billops			
Peter Mulhearn			

Staff Present: O'Connor

III. Pledge of Allegiance

IV. Adoption of Agenda

Board Member Mauldin moved, with support from Board Member VanSumeren to approve January 22, 2026, Zoning Board of Appeals Meeting Agenda.

Motion passed by voice vote.

V. Review and Approval of Zoning Board of Appeals Meeting Minutes

A. Zoning Board of Appeals Meeting Minutes

Board Member VanSumeren moved, with support from Board Member Grieve to approve December 04, 2025, Zoning Board of Appeals Meeting Minutes.

VI. Public Comment and Correspondence –

A. None

VII. Public Hearings

A. Consideration of Use Variance request for 605 Ellery Avenue (Parcel # 8-134400)

Board Member Grieve moved, with support from Board Member VanSumeren, to enter the Staff Report into the record as if read in whole.

Motion passed by voice vote.

Staff summarized the location of accessory structure to metal carport to the north did not pose fire risk or any other safety risk.

Public Hearing Opened at 5:38 pm

APPLICANT/PUBLIC COMMENT

Neighbor to the north voiced her opinion to approve his variance request by email and was sent by Erin Axon and read by City Planner O'Connor.

Public Hearing Closed at 5:36 pm

BOARD COMMENTS

Multiple Board members stated that their only concern was addressed by the email sent by the neighbor to the north with the carport. Chairman Grieve Stated that this is a very small structure and would not impede light or air flow to the adjacent structures.

Board Member Grieve moved, with support from Board Member Mulhearn, to approve Dimensional Variance request at 605 Ellery Ave (Parce l# 8-134400).

PC Member	Yea	Nay	Abstained
Clyde Mauldin	x		
Karl Grieve	x		
Bob VanSumeren	x		
Peter Mulhearn	x		
Wanda Billops	x		

Motion passed 5-0 by roll call vote.

VIII. New Business

A. Election of Officers

1. Chairperson

Board Member VanSumeren moved, with support from Board Member Mauldin, to re-elect Grieve as Chairman.

Motion passed_by voice vote.

2. Vice-Chairperson

Board Member Grieve moved, with support from Board Member VanSumeren, to re-elect Mulhearn as Vice-chairman.

Motion passed_by voice vote.

3. Secretary

Board Member Grieve moved, with support from Board Member Mauldin, to elect VanSumeren as Secretary.

Motion passed by voice vote.

B. Adoption of 2026 Zoning Board of Appeals Calendar

Board Member Grieve moved, with support from Board Member Mulhearn, to enter the Zoning Board of Appeals 2026 Calendar as presented.

Motion passed by voice vote.

IX. Board Comments-None

X. Next Meeting Reminder

Chairman Grieve reminded the Board that the next regular ZBA meeting is scheduled for February 26, 2026, at 5:30 pm.

10. Adjournment

Board Member Mauldin moved, with support from Board Member VanSumeren, to adjourn the meeting at 5:59 pm.

Motion passed by voice vote

Respectfully,



R. John O'Connor
Planning Director, City of Jackson

Use Variance
800 S Jackson Street
City of Jackson, Michigan

GENERAL INFORMATION

Applicant: Eric Andrusyszyn

9088 Roger Scott

Brighton, Mi, 48116

Subject Location: 323 S. Cooper Street (Parcel #5-0305.6100)

Received Date: March 2, 2026

Current Zoning: I-2, General Industrial

Action Required: The zoning board of appeals shall hear and decide only such matters as the board is specifically authorized to pass on as provided in this chapter (Chapter 28). The board has the power to grant variances, decide appeals on administrative decisions and to interpret the boundary lines of the zoning map. The board shall not have the power to alter or change the zoning district classification of any property; nor to make any changes in the terms of this article (Article VIII).

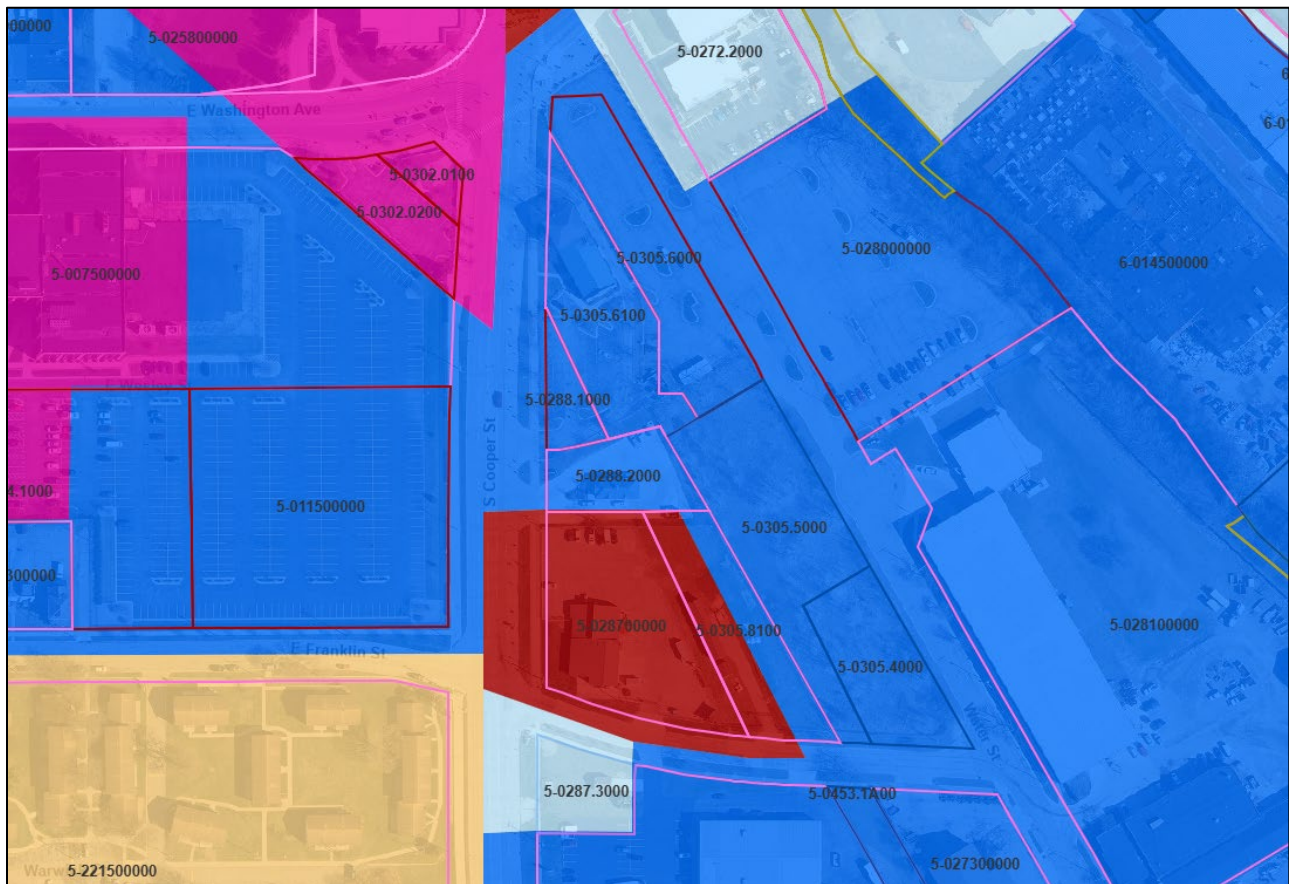
SITE/PROPERTY DESCRIPTION

The subject property, located at the 300 Block of S Cooper between E Washington and E Wesley, is 0.76 acres with approximately three hundred and fifty-seven (357) feet of road frontage. Review of the City of Jackson assessing records indicate the building size 5,879 Square feet.



NEIGHBORING ZONING AND LAND USE

The subject property is currently Zoned I-2, General Industrial, the table below identifies the surrounding zoning designations and current land uses.



	North	South	East	West
Zoning	C-4 General Commercial	I-2 General Industrial	I-2 General Industrial	C-3 Central Commercial
Land Use	Vacant Commercial	Commercial	Municipal	Commercial

ESSENTIAL FACILITIES AND SERVICES

The subject property is currently served, or has access to, essential city facilities and services.

TRAFFIC IMPACT AND SITE ACCESS

Traffic volume will not increase if a use variance is approved for the subject property.

USE VARIANCE STANDARDS

Per Section 28-238(d) the zoning board of appeals may grant a use variance only upon finding that an unnecessary hardship exists. A use variance is a variance that permits a use that is otherwise not provided for in a zoning district. A finding of an unnecessary hardship shall require demonstration by the applicant of the following:

- (1) The property cannot be reasonably used for any purpose permitted in the zoning district. There must be financial proof of the applicant's inability to realize any reasonable return; speculation or a qualitative assessment is inadequate;

Staff Comment: The proposed use is the highest and best use of the subject property. The location has

been used as a commercial location since the removal of the R&R Freight Depot in early 2002. Community Development does not have any requests for adaptive reuse as an industrial facility, since the project's data has been recorded.

- (2) The need for variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. The applicant must demonstrate that there are certain features that make it impossible to earn a reasonable return without some adjustment. In those situations where others share the difficulty, the zoning board of appeals may find that relief should be accomplished by an amendment to the zoning ordinance, not a variance;

Staff Comment: *the current zoning designation is consistent with the City of Jackson's future land use map. The cost of conversion to industrial facility from a commercial facility would be cost prohibitive to the developer and may also require other incurred costs for infrastructure upgrades for industrial use.*

- (3) The problem and resulting need for the variance has not been self-created by the applicant;

Staff Comment: *The problem and resulting need for the variance has not been self-created by the applicant. As previously stated, the parcel has been utilized for many used as a commercial restaurant.*

- (4) The variance will not alter the essential character of the area. In determining whether this criteria has been met, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area shall be considered.

Staff Comment: *Approval of the requested use variance will not alter the essential character of the area.*

RECOMMENDATIONS

Based on the following findings of fact, staff recommend approval of the requested use variance property at 323 S. Cooper Street (Parcel #5-0305.6100) to allow the applicant to use the existing structure as a dental office.

- 1. The current use is the highest and best use of the subject property.*
- 2. The problem and resulting need for the variance has not been self-created by the applicant.*
- 3. Approval of the requested use variance will not alter the essential character of the area.*

Furthermore, if approved, we recommend the following condition(s):

- 1. Property to meet all applicable zoning ordinances and building code regulations.*

Respectfully,
R. John O'Connor
Planning Director, City of Jackson



cc: Applicant

Application for Variance

Requires a public hearing before Zoning Board of Appeals.

The variance fee of \$500.00 must be submitted with the application.

Instructions and additional information on Page 2 and Page 3

- Dimensional Supplemental Use Interpretation of Code/Map
 Type/Nature of Appeal: _____
 Same as applicant

APPLICANT

Name: ERIC ANDRUSYSZYN
 Address: 9088 ROGER SCOTT T_SRtate: _____ Zip: _____
 City: BRIGHTON MI 48116
 Phone: (734) 502 9660

Email: ERIC@ANDRUSBUILDING.COM

PROPERTY OWNER

Name: OUR TREE LLC

Address: 714 W MICHIGAN AVE
 City: JACKSON State: MI Zip: 49201
 Phone: () Email: _____

ADDRESS SUBJECT TO VARIANCE REQUEST

Property Identification #: 5-0305.6100

Current Zoning Designation: I-2

Address: 3235 Cooper

Residential Commercial

Current Use: Commercial State: MI Zip: 49201

Industrial Mixed

Nearest Intersection: E WASHINGTON & Franklin

VARIANCE INFORMATION (Attach additional pages as needed, use separate form for each code section being appealed)

1. List Code Section number(s) from which a variance is requested from: 28-71, (38)

2. Explain reason/purpose for variance (paraphrasing code language, attach additional pages if necessary):

Two Former restaurants have failed and closed due to lack of customers. We propose to build out new dental/medical office that is currently located at 520 N East Ave in Jackson in residential district with extremely limited Street parking and no room for expansion. current office has been established in late 70s serving local community

Is/will an attorney be representing your variance appeal: YES NO

If yes will the attorney be present at the ZBA meeting: YES NO

I hereby attest that I/we have read and understand the application form, that the information submitted is true and accurate, and agree to all the terms, conditions, and other City of Jackson Code requirements. I also give permission to the ZBA members and staff reviewers to enter my property to review aspects of the variance appeals request on the site.

ERIC ANDRUSYSZYN
 Signature of Applicant _____ Date _____

Mark Behm
 Signature of Owner _____ Date _____
 (If different than applicant)

dotloop verified
02/02/26 9:51 AM EST
SWBJ-X11H-DIY4-HG1Q

If the owner cannot sign this form, the applicant shall submit a letter of consent from the property owner with this application.

OFFICE USE ONLY	
CASE: PZBA 26-0001	Application Accepted By: AH
Materials Submitted with Application: <input type="checkbox"/> Plans <input type="checkbox"/> Letter <input type="checkbox"/> Other	
Total Pages Submitted: _____	Amount of Fee Paid: \$ 500 <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Check Check #: 6283

A. INSTRUCTIONS TO APPLICANTS FOR VARIANCE OR APPEALS.

1. Separate application forms and added fees shall be submitted for each individual, unrelated type of variance.
2. For dimensional, supplemental, or use variance requests, the applicant shall submit an 8.5" x 11" sketch plan showing: dimensions from street/property lines, sidewalks, buildings on site and on adjoining property, utility easements, and other existing facilities and structures.
3. If the owner cannot sign this form, the applicant must submit a letter from the owner, requesting the variance.

B. THE FOLLOWING ITEMS MUST BE ADDRESSED.

Your application will be considered incomplete and will not go before the Zoning Board of Appeals until Section C and/or Section D is complete; attach additional pages if necessary.

C. FOR DIMENSIONAL OR SUPPLEMENTAL VARIANCE – Provide responses for subsections 1 through 7.

In authorizing a variance with conditions, the board shall require such evidence and bond as it may deem necessary to ensure that the conditions are being and will be complied with. No variance in the provisions or requirements of this chapter shall be authorized by the board unless the board finds, by a preponderance of the evidence that all of the following facts and conditions exist:

1. There are exceptional or extraordinary conditions applying to the property that do not apply to other properties or classes of uses in the same zoning district. _____

2. The exceptional or extraordinary conditions do not result from the actions of any person with a current interest in the property. _____

3. Strict compliance with this chapter would unreasonably prevent the applicant from using the property for a permitted purpose or would create practical difficulties in conforming to the requirements of this chapter. _____

4. The authorizing of such variance will not be of substantial detriment to adjacent property, alter the essential character of the area, and will not impair the purposes of this chapter or the public interest. _____

5. The variance is the minimum variance possible for reasonable use of the property. _____

6. The variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in public streets or increase the danger of fire or endanger the public safety or substantially diminish property values within the area. _____

7. Such variance shall in no manner or guise be construed to allow a change of use but shall allow only a variation or modification from the provisions of this chapter. _____

D. FOR USE VARIANCE – Provide responses for subsections 1 through 4.

The zoning board of appeals may grant a use variance only upon finding that an unnecessary hardship exists. A use variance is a variance that permits a use that is otherwise not provided for in a zoning district. A finding of an unnecessary hardship shall require demonstration by the applicant of the following:

1. The property cannot be reasonably used for any purpose permitted in the zoning district. There must be financial proof of the applicant's inability to realize any reasonable return; speculation or a qualitative assessment is inadequate.

The property cannot be reasonably used for any purpose permitted in the I2 district. Industrial uses for restaurant building without industrial attributes are illogical. The property cannot be used by the applicant because the doctors have no ability to operate a business that is permitted under I2 uses. Applicants are a professional dentist office that is located in Jackson and has operated successfully for several years

The I2 zoning district is for industry, however this property was built for commercial use and functioned unsuccessfully as a commercial establishment. The financial hardship is evidenced by the closing of both a national franchise, Wendy's, and a regional fast-food restaurant, Doll N Burger.

2. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. The applicant must demonstrate that there are certain features that make it impossible to earn a reasonable return without some adjustment. In those situations where others share the difficulty, the zoning board of appeals may find that relief should be accomplished by an amendment to the zoning ordinance, not a variance.

Unique circumstances particular to this property creating a variance need are;

- **It is located on a heavily trafficked newly reconstructed commercial thoroughfare, M 50, with 11842 vehicles per day. The heavy traffic do not allow for easy ingress and egress of Semi trucks onto M50. However, these numbers and traffic patterns would work well for an office**
- **It was built and permitted as a restaurant/office in an I2 district. It is easily adaptable for an office.**
- **A large contiguous industrial area exists to the east and south, however the Grand River sets apart the majority of this industrial district.**
- **It is surrounded and/or abutted by a variety of uses; commercial, office and retail properties to the North, South, East and West. The downtown commercial district and Consumers Energy are across M 50. It fits.**

Without the necessary adjustments, this building will remain dormant.

3. The problem and resulting need for the variance has not been self-created by the applicant.

The problem and resulting need were not self-created by the applicant. The need for a variance stems from the variety of zoning districts that surround it, the fact the site rests in the heart of the downtown commercial district, the property was built for a restaurant and operated unsuccessfully in an industrial zoning district.

4. The variance will not alter the essential character of the area. In determining whether this criteria has been met, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area shall be considered.

A variance for an office does not alter the essential characteristics of the downtown commercial district and hospital district, which neighbors this property. Consumers Energy headquarters are office in nature. Comtronics is office in nature and is permissible with an I1 zoning. The Commonwealth Center is office, retail, multi- use in nature within a C3 zoning and a portion of their parking lot is zoned I2 . The property to the north is a long-vacant, C4, commercial property. The Bigbee Coffee next door is zone I2, yet it is retail in nature. To the north is heavily influences by Henry Ford hospital and associated medical use

A dental office is a highly appropriate and compatible use for this location given its proximity to the hospital and surrounding medical services. The proposed use aligns with the existing healthcare character of the area and supports the community's growing demand for accessible medical and dental care

Dr. Asha and Dr. Neil Kinra have served the Jackson community since 2007 from their current location at 520 N. East Avenue. Due to increased patient demand, they are seeking to expand their practice to better serve residents while maintaining the high standard of care they have consistently provided. The existing location presents several limitations, including extremely limited on-street parking and its placement within a residential neighborhood. These constraints contribute to unnecessary traffic congestion and parking challenges for both patients and nearby residents. Relocating to this site would significantly improve traffic flow, provide adequate off-street parking, and reduce impacts on surrounding residential streets. Approval of this proposal would allow an established, community-focused healthcare provider to expand services in a location well-suited for medical use, while enhancing neighborhood compatibility, improving public safety, and supporting responsible land use planning.

MLive Media Group
169 Monroe Ave NW Suite 200
Grand Rapids, MI 49503



Jackson Citizen Patriot

CITY OF JACKSON COMMUNITY DEVELOPMENT
DEPARTMENT
161 W MICHIGAN AVE
JACKSON, MI 49201

AD#: 0011076028

Sales Rep: Russ Mackowski
Account Number:1000937675
AD#: 0011076028

Remit Payment to:
MLive Media Group
Dept 77571
P.O. Box 77000
Detroit, MI 48277-0571

Page 1 of 2

Date	Position	Description	P.O. Number	Ad Size	Costs
03/03/2026	Public Notices MI	CITY OF JACKSON ZONING BOARD OF APPEALS NOTICE OF PUBLIC	323 S. Cooper Street (Parcel #5-0305.6100)	1 x 80 L	
				Affidavit Notary Fee - 03/03/2026	\$30.00
				Basic Ad Charge - 03/03/2026	\$189.42
				Total	\$219.42

FOR QUESTIONS CONCERNING THIS AFFIDAVIT, PLEASE CALL 616-254-2030 or 877-222-5423

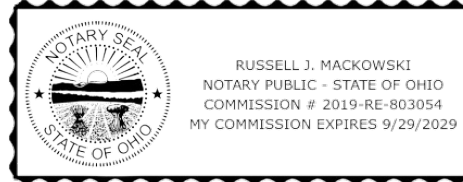


AD#: 0011076028

State of Ohio,) ss
County of Cuyahoga)

Joe Rosa being duly sworn, deposes that he/she is principal clerk of MLive Media Group; that Jackson Citizen Patriot is a public newspaper published in the city of Jackson, with general circulation in Jackson county, and this notice is an accurate and true copy of this notice as printed in said newspaper, was printed and published in the regular edition and issue of said newspaper on the following date(s):

Jackson Citizen Patriot 03/03/2026



Principal Clerk of the Publisher

Sworn to and subscribed before me this 04th day of March 2026

Notary Public

**CITY OF JACKSON
ZONING BOARD OF
APPEALS
NOTICE OF PUBLIC
HEARING**

NOTICE IS HEREBY GIVEN the City of Jackson Zoning Board of Appeals will hold a public hearing to hear a request for use variance pursuant to Section 28-244 of the City of Jackson Zoning Ordinance and as detailed below.

Applicant:
Eric Andrusyszyn
9088 Roger Scott
Brighton, Mi, 48116

Subject property:
323 S. Cooper Street (Parcel #5-0305.6100)

Variance Request:
The applicant requests a Use Variance from Section 28-71 of the zoning ordinance which does not permit Dental Office use in the Industrial Zoning District I-2.

Effect of request:
Approval of the Use Variance request will permit Dental Office use in the Industrial Zoning District I-2.

YOU ARE FURTHER NOTIFIED that the City of Jackson will hear all oral and written objections and comments regarding the use variance request at:

5:30 PM on March 26, 2026, in
City Hall Council Chambers,
2nd Floor
161 W. Michigan Avenue
Jackson, MI 49201

Reasonable accommodations for individuals with disabilities will be made if notification is received ten (10) days prior to the public hearing.

If you are interested in this request you may attend the public hearing or contact John O'Connor at 517-768-6426 or Joconnor@cityofjackson.org with comments. Written comments may be mailed to 161 W. Michigan Avenue, Jackson, MI 49201, c/o John O'Connor. All comments and/or questions must be received no later than 12:00PM on March 26, 2026.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN the City of Jackson Zoning Board of Appeals will hold a public hearing to hear a request for use variance pursuant to Section 28-244 of the City of Jackson Zoning Ordinance and as detailed below.

Applicant:

Eric Andrusyszyn
9088 Roger Scott
Brighton, Mi, 48116

Subject property:

323 S. Cooper Street (Parcel
#5-0305.6100)

Variance Request:

The applicant requests a Use Variance from Section 28-71 of the zoning ordinance which does not permit Dental Office use in the Industrial Zoning District I-2.

Effect of request:

Approval of the use variance request will permit residential use of an existing structure on the first floor in the C-1, Neighborhood Commercial Zoning District.

YOU ARE FURTHER NOTIFIED that the City of Jackson will hear all oral and written objections and comments regarding the use variance request at:

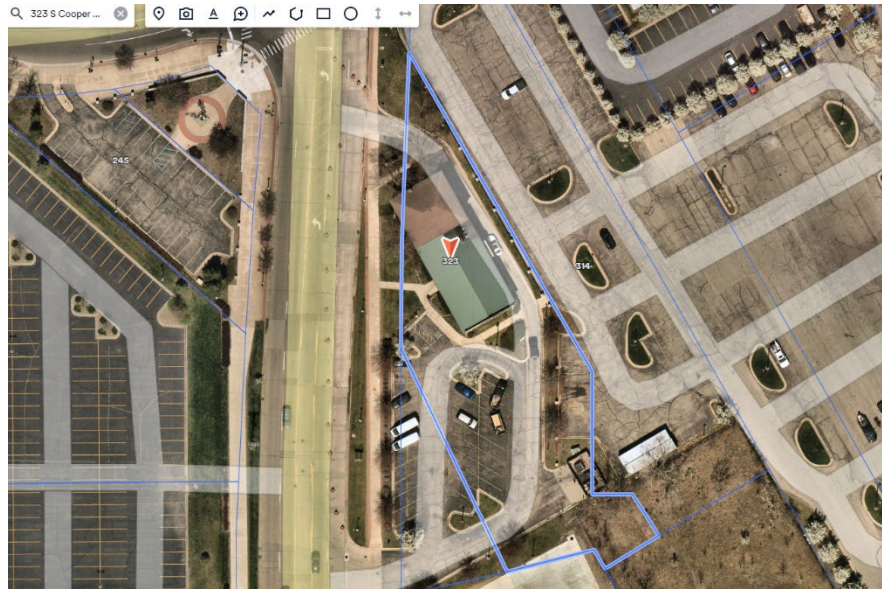
You are invited to attend the public hearing to be held:

**5:30PM on March 26, 2026, in
City Hall Council Chambers, 2nd Floor
161 W. Michigan Avenue
Jackson, MI 49201**

You received this notice because you own or occupy property within three hundred (300) feet of the property above outlined in purple. **If you are not the applicant, you are not required to attend the public hearing or respond to this notice.**

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CITY OF JACKSON

ZONING BOARD OF APPEALS

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