



AGENDA – ZONING BOARD OF APPEALS

May 23, 2024

5:30 PM

- I. Call to Order**
 - II. Pledge of Allegiance**
 - III. Roll Call**
 - IV. Adoption of April 25, 2024 Agenda**
 - V. Review of February 22, 2024 Meeting Minutes**
 - A. February 22, 2024
 - B. April 25, 2024
 - VI. Public Comment and Correspondence**
 - VII. Public Hearings**
 - VIII. Old Business**
 - A. 108 Moore Street – Use Variance Request
 - B. 324 E. High Street – Dimensional Variance Request
 - IX. New Business**
 - X. Board Member Comments**
 - XI. Next Meeting Reminder**
 - A. Regular Meeting June 27, 2024 at 5:30 PM
 - XII. Adjournment**
-



MINUTES – ZONING BOARD OF APPEALS MEETING

5:30 PM February 22, 2024

MEMBERS PRESENT: Clyde Mauldin, Bob VanSumeren, Karl Grieve, and Peter Mulhearn
MEMBERS ABSENT: None
STAFF PRESENT: Chris Atkin

I. Call to Order

Vice Chairperson Grieve called to order the February 22, 2024 Zoning Board of Appeals meeting at 5:30 pm.

II. Pledge of Allegiance

III. Roll Call

IV. Adoption of Agenda

Board Member Grieve moved, with support from Board Member Mulhearn, to approve the February 22, 2024 Zoning Board of Appeals meeting agenda as presented.

Motion passed unanimously by voice vote.

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

A. November 30, 2023 Zoning Board of Appeals Meeting Minutes

Board Member Grieve moved, with support from Board Member Mauldin, to approve the November 30, 2023 Zoning Board of Appeals meeting minutes as presented.

Motion passed unanimously by voice vote.

VI. Public Comment and Correspondence

No public comment or correspondence was presented.

VII. Consideration of variance request

A. 205 N. East Avenue – Dimensional Variance Request

Planner Atkin Planner Atkin summarized the applicant's dimensional variance requests.

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

Motion passed unanimously by voice vote.

Public Hearing Opened at 5:38 pm

APPLICANT/PUBLIC COMMENT

Tracey Diehl, of Expedite the Diehl, provided additional detail for the reasons the dimensional variance requests. She stated the rebranding is not unique to this site, Henry Ford Health is performing this project at all locations in the State. She expanded on the importance of nonlocals

being able to navigate the hospital campus and multiple services provided in the event of an emergency.

Public Hearing Closed at 5:41 pm

BOARD DISCUSSION

Member Mauldin discussed the previous dimensional variance requests and decision, and how the impact the site and services. He feels the requests are reflective and proportionate to the size of the site and will not have an adverse effect on the residential use/zone to the north.

Member Grieve agreed with Member Mauldin. Stated he drove past the site on E. Michigan Avenue and observed the existing signage difficult to see.

Board Member Mauldin moved, with support from Board Member Grieve, to approve the dimensional variance requests for 205 N. East Avenue (Parcel # 7-07870) and 300 N. East Ave. (Parcel # 7-03950) as presented.

The motion 4-0 roll call vote.

VIII. Old Business

None

IX. New Business

A. Election of Officers

Board Member VanSumeren motioned to elect Board Member Grieve as the ZBA Chairperson. Support from Board Member Mauldin.

Motion passed unanimously by voice vote.

Board Member VanSumeren motioned to elect Board Member Mulhearn as the ZBA Vice-Chairperson. Support from Board Member Grieve.

Motion passed unanimously by voice vote.

X. Board Comments

Discussion regarding recruitment of a fifth Board Member.

XI. Next Meeting Reminder

Chairperson Grieve reminded the Board that the next regular ZBA meeting is scheduled for March 28, 2024 at 5:30pm.

10. Adjournment

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

The motion passed unanimously on a voice vote

Respectfully,



Christopher M. Atkin
Planning Director, City of Jackson



MINUTES – ZONING BOARD OF APPEALS MEETING

5:30 PM April 23, 2024

MEMBERS PRESENT: Karl Grieve

MEMBERS ABSENT: Clyde Mauldin, Bob VanSumeren, and Peter Mulhearn

STAFF PRESENT: Chris Atkin

I. Call to Order

Chairperson Grieve called to order the April 25, 2024 Zoning Board of Appeals meeting at 5:30 pm.

II. Pledge of Allegiance

III. Roll Call

IV. Adoption of Agenda

Quorum not present for vote.

V. Review of February 22, 2024 Zoning Board of Appeals Meeting Minutes

Quorum not present for vote. Chairperson Grieve deferred review to May 23, 2024 ZBA Meeting.

VI. Public Comment and Correspondence

No public comment or correspondence was presented.

VII. Consideration of variance request

A. 108 Moore Street – Use Variance Request

Chairperson Grieve postponed public hearing to May 23, 2024 ZBA Meeting.

B. 324 E. High Street – Dimensional Variance Request

Chairperson Grieve postponed public hearing to May 23, 2024 ZBA Meeting.

VIII. Old Business

None

IX. New Business

None

X. Board Comments

XI. Next Meeting Reminder

XII. Adjournment

Chairperson Grieve adjourned the April 25, 2024 Zoning Board of Appeals meeting at 5:33 pm.

Respectfully,

A handwritten signature in blue ink that reads "Christopher M. Atkin".

Christopher M. Atkin
Planning Director, City of Jackson

RECEIVED
MAR 20 2024

Application for Variance

Requires a public hearing before Zoning Board of Appeals.

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

Instructions and additional information on Page 2 and Page 3

Nature of Variance: ☐ Dimensional ☐ Supplemental ☐ Use

APPLICANT

Name: RAHUL BHATIA
Address: 6307 ALVORD WAY
City: PLEASANTON State: CA Zip: 94588
Phone: (650) 580-9259
Email: RAHULBHATIA@OUTLOOK.COM

PROPERTY OWNER ☐ Same as applicant

Name: STELLAR CONSULTING LLC
Address: 6307 ALVORD WAY
City: PLEASANTON State: CA Zip: 94588
Phone: ()
Email:

ADDRESS SUBJECT TO VARIANCE REQUEST

Property Identification #:
Address: 108 MOORE ST
City: Jackson State: MI Zip:
Nearest Intersection:

Current Zoning Designation: R-1
Current Use: ☐ Residential ☐ Commercial
☐ Industrial ☐ Mixed ☒ Vacant

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

- List Code Section number(s) from which a variance is requested from:
- Explain reason/purpose for variance (paraphrasing code language, attach additional pages if necessary):
To Retain the two unit structure of the property.

Is/will an attorney be representing your variance request: ☐ 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.

[Signature]

Signature of Applicant

03/19/2024
Date

[Signature]

Signature of Owner
(If different than applicant)

03/19/2024
Date

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 24-0002

Application Accepted By: S Foster

Materials Submitted with Application: ☐ Plans ☐ Letter ☐ Other

Total Pages Submitted: Amount of Fee Paid: \$ 500 ☐ Cash ☒ Check

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. The house needs to retain its two unit structure. It will be rehabilitated as per the requirements of the city of Jackson
2. The exceptional or extraordinary conditions do not result from the actions of any person with a current interest in the property. Yes
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. Yes
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. Yes
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. Yes
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. Yes

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. _____

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. _____

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

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. _____

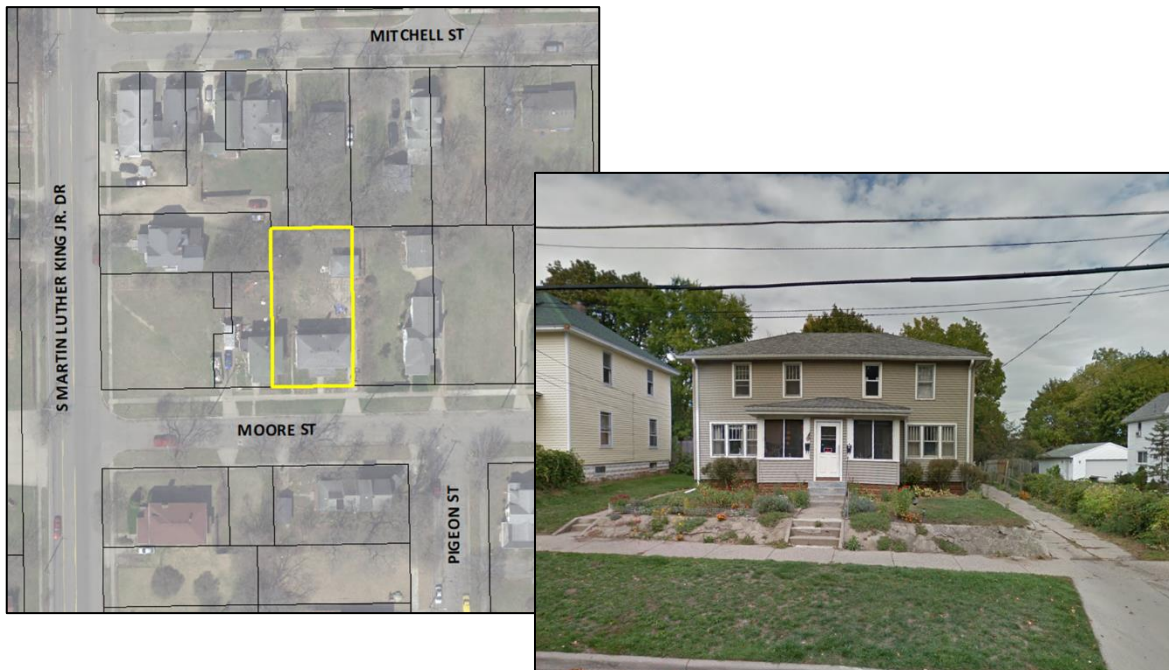
Use Variance
108 Moore Street
City of Jackson, Michigan

GENERAL INFORMATION

Applicant:	Rahul Bhatia 6307 Alvord Way Pleasanton, CA 94588
Subject Location:	108 Moore St. (Parcel #5-07370)
Received Date:	March 20, 2024
Current Zoning:	R-1, One Family Residential
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).

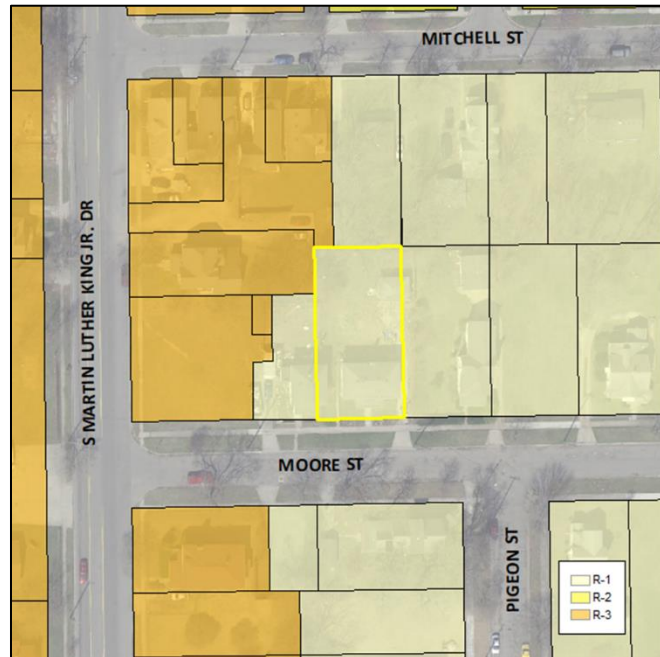
SITE/PROPERTY DESCRIPTION

The subject property, located on the north side of Moore Street and two lots east S. Martin Luther King Jr. Drive, is 0.20 acres with approximately sixty-six (66) feet of road frontage. Review of the City of Jackson assessing records show the site contains two-story 1,018 square-foot two-family residential structure. For all intents and purposes, the structure was built as a side-by-side duplex.



NEIGHBORING ZONING AND LAND USE

The subject property is currently R-1, One-Family Residential, the table below identifies the surrounding zoning designations and current land uses.



	North	South	East	West
Zoning	R-1, One-Family Residential	R-1, One-Family Residential	R-1, One-Family Residential	R-1, One Family Residential
Land Use	Residential	Residential	Residential	Residential

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.

The site has frontage on Mound Street and is accessible

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.*

- (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;

Staff Comment: *As previously stated, the structure was built and designed as a true duplex.*

- (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.*

Additionally, the zoning designation of the subject property at the time of construction is unknown.

- (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 recommends approval of the requested use variance property at 108 Moore St. (Parcel #5-07370) to allow the applicant to use the existing structure as a duplex for the purpose which it was designed and built.

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,



Christopher M. Atkin
Planning Director, City of Jackson

cc: Applicant

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 use variance request pursuant to Section 28-244 of the City of Jackson Zoning Ordinance and as detailed below.

Applicant:

Rahul Bhatia
6307 Alvord Way
Pleasanton, CA 94588

Subject Property:

108 Moore St.
(Parcel #5-07370)

Variance Request:

The applicant requests a use variance from Section 28-71 of the zoning ordinance which does not permit a two (2) unit dwelling in a single-family home in the R-1, One Family Residential zoning district.

Effect of Request:

Approval of the use variance request will permit two (2) dwelling units in a single-family home in R-1, One Family Residential zoning district.

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

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

**5:30PM on April 25, 2024 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 Chris Atkin at 517-768-6433 or catkin@cityofjackson.org with comments. Written comments may be mail to 161 W. Michigan Avenue, Jackson, MI 49201, c/o Chris Atkin. All comments and/or questions must be received no later than 5:00PM on April 25, 2024.

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

Type/Nature of Appeal: ☒ Dimensional ☐ Supplemental ☐ Use ☐ Interpretation of Code/Map

APPLICANT

Name: Kinderstar Academy of Dungytreeti, LLC
Address: 324 E. High St.
City: Jackson State: MI Zip: 49203
Phone: (517) 240-3511
Email: kinderstaracademy@gmail.com

PROPERTY OWNER

☐ Same as applicant

Name: Dungytreeti Heritage Foundation
Address: 324 E. High St.
City: Jackson State: MI Zip: 49203
Phone: (517) 240-3511
Email: kinderstaracademy@gmail.com

ADDRESS SUBJECT TO VARIANCE REQUEST

Property Identification #: 5-119700000
Address: 324 E. High St.
City: Jackson State: MI Zip: 49203
Nearest Intersection: Heather Ln.

Current Zoning Designation: R-3

Current Use: ☐ Residential ☒ Commercial
☐ Industrial ☐ Mixed

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

- List Code Section number(s) from which a variance is requested from: Section 28-145(d)(2)
- Explain reason/purpose for variance (paraphrasing code language, attach additional pages if necessary):

SEE ATTACHED

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.

[Signature]
Signature of Applicant

04/02/2024
Date

[Signature]
Signature of Owner
(If different than applicant)

04/02/2024
Date

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 24-0004 Application Accepted By: S Foster
Materials Submitted with Application: ☒ Plans ☒ Letter ☐ Other
Total Pages Submitted: 13 Amount of Fee Paid: \$ 500 ☐ Cash ☒ Check Check #: 1069

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. SEE ATTACHED

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

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. SEE ATTACHED

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. SEE ATTACHED

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

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. SEE ATTACHED

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. SEE ATTACHED

Dimensional Variance Application for 324 E. High St., Jackson, MI 49203

Variance Information, Question #2:

The purpose of the requested variance is to allow for the operation of a child care center at 324 E. High St., Jackson, MI, within the constraints of an existing structure that does not meet the current 50-foot side yard setback requirement as stipulated in Section 28-145(d)(2) of the City of Jackson's zoning ordinance. This property, historically utilized for community-serving functions, including most recently as a church, is positioned such that the existing building is only 10 feet from the east property line—considerably less than the required setback for child care centers, which are a permitted conditional use in the R-3 zoning district.

The variance is sought due to the unique circumstances of the property, including its existing structure and its historical use, which present practical difficulties in conforming to the current zoning setback requirements. Adjusting the building's position or significantly modifying its structure to comply with the 50-foot setback would impose unreasonable financial burdens and potentially compromise the building's integrity. Moreover, such alterations would not enhance the community's welfare or the property's functionality but rather detract from its historical character and the efficient use of space.

Granting this variance would enable the adaptive reuse of the existing structure for a small-scale, 24-hour child care center that serves up to 15 children, providing a vital service to the community without significant alteration to the property or adverse impacts on the neighborhood. The proposed use aligns with the zoning ordinance's objectives to support community-oriented services and the efficient use of existing buildings within residential districts.

The variance request is thus grounded in the need to balance the practical limitations of the property with the goals of the zoning ordinance, ensuring that the property can continue to serve a beneficial role in the community. It represents the minimum adjustment necessary to accommodate a permitted use, reflecting a thoughtful approach to urban planning and zoning compliance that respects the property's historical context and the city's developmental goals.

Section C:

1. The subject property at 324 E. High St., Jackson, MI, presents unique and exceptional conditions not commonly found in other properties within the R-3 zoning district, particularly due to the existing structure's historical placement and its previous use. The structure in question was constructed in or around 1990, with a side yard setback of only 10 feet from the east property line, significantly less than the 50 feet required by the current conditional use zoning ordinance for both a church and a child care center under Section 28-145(d)(2).

This condition is extraordinary for several reasons. First, the structure's placement was compliant with zoning regulations at the time of construction, reflecting a historical context and urban development pattern that predates standards of its current use. The property's most recent use as a church—which adheres to the same setback requirements as a child

care center—demonstrates a longstanding acceptance and functionality of this setback distance in serving community-oriented uses within the area.

Moreover, the property's unique situation is compounded by its established physical layout, which cannot be altered without significant structural modifications that would not only be economically burdensome but also potentially jeopardize the architectural integrity. Given these conditions, the property represents an exceptional case where strict adherence to the 50-foot setback requirement would unreasonably restrict the use of the property for purposes that are beneficial and historically consistent within the community.

Therefore, the variance request is grounded in the property's distinctive characteristics—its established structure and historical use patterns—that do not apply generally to other properties in the same zoning district. These conditions necessitate consideration for a variance to enable the adaptive reuse of the property as a child care center, thereby allowing it to continue serving the community in a valuable and meaningful capacity.

2. The variance sought for the property located at 324 E. High St., Jackson, MI, arises from conditions that were not created by the current owner, Dungytrees Heritage Foundation, nor by any recent actions on their part. These conditions are inherent to the property's existing structure and its placement, which dates back to its construction in or around 1990. Since acquiring the property, the Dungytrees Heritage Foundation has not undertaken, nor does it intend to undertake, any major renovations or modifications to the building's footprint that would alter its current setback from the east property line.

It is important to note that the current side yard setback of 10 feet, significantly less than the required 50 feet as stipulated in Section 28-145(d)(2) of the zoning ordinance, is a result of the property's original design and use, which predate the current ownership. The most recent use of the property as a church—subject to the same setback requirements now applicable to the proposed child care center—further demonstrates that the existing condition has been longstanding and accepted within the community, serving public-oriented functions without issue.

The current owner's acquisition of the property was made with the understanding and respect for its historical context, including the physical constraints imposed by its existing structures. The foundation's goal is to continue using the property in a manner that serves the community, specifically by repurposing it as a child care center. This objective aligns with the property's historical use but is hindered solely by pre-existing zoning conditions that are beyond the control or creation of the current owner.

Therefore, the need for a variance stems directly from these pre-existing, non-self-created conditions related to the property's structure and historical zoning compliance. Granting this variance would not only address these inherited challenges but also facilitate the

continued beneficial use of the property in a way that aligns with the community's needs and values.

3. The strict enforcement of the 50-foot setback requirement as specified in Section 28-145(d)(2) of the City of Jackson's zoning ordinance imposes undue practical difficulties on the use of the property at 324 E. High St. for a child care center, a use that is otherwise permitted within the R-3 zoning district. These difficulties are not theoretical but are deeply rooted in the physical and historical realities of the property.

First, the existing structure's placement, with a side yard setback of only 10 feet, was established decades ago, reflecting the urban development standards and practices of that time. Altering the building's position or significantly modifying its structure to meet the current setback requirement is not only practically challenging but would also entail substantial financial cost. Such modifications could potentially compromise the structural integrity and historical character of the existing building, which has served community-oriented functions, including as a church, under similar conditions.

Furthermore, the necessity to maintain the current footprint is underscored by the property's configuration and the surrounding urban fabric, which limit feasible alterations. Expanding the building's setback to comply with the 50-foot requirement would drastically reduce the available outdoor play area, a critical component of a child care center's operations, and the ability to add required off-street parking, directly impacting the quality of service and care that can be provided to children.

Additionally, adhering to the 50-foot setback rule in this case would severely limit the property's utility for any permitted use that involves the existing structure, essentially rendering the building unusable without extensive modifications. This contradicts the zoning code's intent to promote the adaptive reuse of buildings, particularly those with historical or community value.

Given these considerations, the strict application of the setback requirement creates an unreasonable barrier to the property's use as a child care center—a use that aligns with community needs and the property's historical role. The variance sought is, therefore, a necessary measure to overcome these practical difficulties, enabling the property to continue contributing to the community's well-being in a meaningful and vibrant manner.

4. Granting the requested variance for the property at 324 E. High St., allowing for a side yard setback of 10 feet rather than the required 50 feet as specified in Section 28-145(d)(2) of the City of Jackson's zoning ordinance, is not anticipated to cause substantial detriment to adjacent properties, even considering the 24-hour operation of the proposed child care center, which will serve a maximum of 15 children.

The property adjacent to the east, which is most directly impacted by the setback of the subject property, benefits from substantial existing buffers that mitigate any potential negative effects. The positioning of the eastern neighbor's home along its own eastern property line, with a significant side yard of approximately 45 feet to the shared boundary, coupled with a fence and partial tree lining along the property line, provides substantial privacy and noise mitigation. These features are crucial in maintaining a peaceful coexistence between the two properties, even with the introduction of a 24-hour child care facility.

The operation of a small-scale child care center, limited to serving only 15 children, inherently controls the potential for noise and activity that might otherwise be a concern with larger facilities. Moreover, the center's commitment to operating within such a small scale reflects a deliberate approach to minimizing its impact on the neighborhood, ensuring that any potential disturbances during evening and overnight hours are kept to a minimum.

Operational policies and design choices will be specifically tailored to address the unique nature of a 24-hour center. Activities during evening and overnight hours will be conducted with heightened sensitivity to noise levels, including indoor play and quiet activities designed to minimize outdoor noise. Additionally, outdoor play areas will be strategically placed, designed, and fenced to further reduce any noise impact.

Given these considerations, the requested variance for a reduced setback is not expected to substantially detriment adjacent properties. The combination of physical distancing, natural barriers, and carefully planned operations ensures that the child care center will integrate seamlessly into the neighborhood, preserving the area's character and the peaceful enjoyment of nearby residents. This approach allows for the adaptive reuse of the existing structure in a manner that is sensitive to community needs and neighborhood dynamics, facilitating a valuable service without compromising residential quality of life.

5. The variance requested for the property at 324 E. High St., allowing a side yard setback of 10 feet rather than the 50 feet required by Section 28-145(d)(2) of the City of Jackson's zoning ordinance, represents the minimum variance necessary for the reasonable use of the property as a 24-hour child care center catering to up to 15 children. This minimum variance is crucial for several key reasons:

Existing Structure: The building's current placement, established in or around 1990 with a 10-foot setback, dictates the spatial constraints within which the child care center must operate. Given the existing structure's footprint, any adjustment to comply with the 50-foot setback requirement would necessitate extensive reconstruction. Such an undertaking would not only be financially burdensome but could also compromise the integrity of the building and the character of the property. The requested variance allows for the utilization of the existing structure without significant alterations, ensuring that the building can continue to serve a community-oriented purpose.

Operational Necessity: The operation of a child care center, especially one available 24 hours and catering to a small group, requires a balance between indoor and outdoor spaces to meet children's developmental needs and regulatory safety standards. The variance ensures that the available space can be optimized for both indoor activities and essential outdoor play without encroaching further into the limited area, which would be the case if the building had to be modified to meet the 50-foot setback.

Preservation of Outdoor Space: The limited number of children served necessitates maintaining as much outdoor play area as possible, which is directly impacted by the building's footprint. Preserving the existing setback allows for the maximum utilization of outdoor space, enhancing the quality of care and education provided to the children. This consideration is particularly important for a 24-hour operation, where outdoor space must be available and adaptable for various uses throughout the day and evening.

Community Compatibility: The minimal variance requested is in line with the historical use of the property and maintains the character of the neighborhood. It ensures that the child care center can operate within the established physical context of the area, without necessitating drastic changes that could alter the visual or functional character of the neighborhood.

The variance sought is therefore not a matter of convenience but a necessity to enable the property's use as a child care center within the constraints of the existing structure and the site's spatial limitations. It is the least alteration required to adapt the property to a use that is not only permissible within the R-3 zoning district but also beneficial to the community, providing a vital service without compromising the property's integrity or the neighborhood's character.

6. The requested variance for the property at 324 E. High St. to maintain a side yard setback of 10 feet will not impair the supply of light and air to adjacent properties, increase congestion in public streets, endanger public safety, or diminish property values within the area. Key considerations include the introduction of a small off-street parking lot and the characteristics of High St.:

Off-Street Parking: The addition of a small off-street parking lot consisting of 4 parking spaces, which meets the minimum requirement set by the zoning ordinance, is a significant measure to manage potential traffic increases associated with the child care center. This parking facility will accommodate staff and dropping-off or picking-up parents, effectively limiting any increase in street parking demand directly attributable to the center.

Street Characteristics: High St. is a fairly wide thoroughfare with on-street parking permitted on both the north and south sides, including directly in front of the proposed child care center. This street layout, coupled with the existing availability of on-street parking,

indicates that the area is well-equipped to accommodate any minimal increases in traffic without impacting the flow of traffic. The child care center's small scale, serving only up to 15 children, further ensures that any potential traffic increment will be negligible relative to the street's capacity.

Traffic Flow Impact: Given the operational nature of a 24-hour child care center and its limited capacity, traffic arrivals and departures are expected to be staggered throughout the day and night, minimizing the potential for congestion at any given time. This dispersion of traffic flow, especially outside of peak hours, will ensure that the center's operation does not significantly impact traffic patterns on High St.

Safety and Environmental Considerations: The design and operation of the parking area and the center itself will adhere to stringent safety standards, ensuring adequate lighting, signage, and access to minimize any potential hazards. These measures, along with the strategic placement of outdoor play areas away from traffic, will safeguard children and staff without impairing public safety.

Property Values: The establishment of a professionally operated, community-serving child care center is unlikely to diminish property values in the area. On the contrary, the adaptive reuse of the property for such a vital service can enhance the neighborhood's appeal to young families, potentially having a positive effect on local property values.

The minimal variance requested will enable the operation of a much-needed child care service without adverse effects on traffic congestion, public safety, or the quality of the neighborhood environment. The thoughtful integration of off-street parking, the existing conditions of High St., and the operational characteristics of the center itself ensure that the variance will maintain, if not enhance, the area's livability and safety.

7. The variance requested for the property at 324 E. High St. to allow for a reduced side yard setback of 10 feet, as opposed to the 50 feet stipulated in Section 28-145(d)(2) of the City of Jackson's zoning ordinance, does not represent a change in the property's use. Child care centers are explicitly recognized as a permitted conditional use within the R-3 zoning district, aligning with the zoning ordinance's provisions for community-oriented services and facilities.

Compliance with Zoning Use Designation: The establishment of a child care center on this property is fully compliant with the current zoning designation, which accommodates such uses under defined conditions. The variance sought pertains solely to the physical configuration of the existing structure in relation to the property line, not to the nature of the activity conducted within.

Continuation of Community Service: The property has historically been utilized for purposes that serve the community, most recently as a church—a use that shares similar

conditional use requirements regarding setbacks. Transitioning to a child care center continues this tradition of providing valuable community services, leveraging the property in a manner that benefits the local population, particularly families requiring child care services.

Necessity of Variance for Permitted Use: The request for a variance arises from practical considerations related to the existing building's placement and the desire to optimize the use of the property within its current constraints. The variance is essential for the property to fulfill its potential as a site for a permitted conditional use, facilitating the operation of a child care center without the need for extensive modifications that could detract from its character and utility.

Alignment with Zoning Objectives: Granting this variance supports the overarching goals of the zoning ordinance by promoting the adaptive reuse of existing structures for uses that are beneficial to the community. It allows the property to be utilized in a manner that is consistent with the zoning district's objectives, enhancing the provision of essential services without necessitating a change in the property's zoning designation or its allowed uses.

In summary, the requested variance is a measure that enables the property at 324 E. High St. to be used as a child care center—a use that is not only permitted but encouraged within the R-3 zoning district. This request does not seek to alter the nature of the permissible activities on the property but to adjust the spatial requirements to accommodate the practical realities of the existing structure. Granting the variance allows for the continuation of community-oriented services in the district, aligning with the city's planning and zoning goals.

Kinderstar Academy of Dungytreeti, LLC
324 E. High Street
Jackson, Michigan 49203
(517) 240-3511

Dena K. Morgan
324 E. High Street
Jackson, Michigan 49203
Kinderstaracademy@gmail.com
(517) 240-3511

Friday, March 29, 2024

City of Jackson Planning Department
161 W. Michigan Avenue
Jackson, Michigan 49201

Dear City of Jackson Planning Department,

I am writing to express my intent to apply for a variance to open a child care and preschool center within a church building located at 324 E. High Street, Jackson, Michigan 49203. As the owner of Kinderstar Academy of Dungytreeti, LLC, I am committed to providing quality child care and early education services to the community. Repurposing the church building for this purpose would serve the needs of local families while preserving the integrity of the neighborhood.

According to reports, children aged five and under in the neighborhood are experiencing poverty at alarming rates. This underscores the critical need for accessible and affordable child care and preschool services that can support these vulnerable children and their families. By repurposing the church building into a child care and preschool center, we can provide a safe, nurturing, and enriching environment where children can thrive, regardless of their socioeconomic status.

The church building presents an ideal space for a child care and preschool center due to its central location and ample space for classrooms, play areas, and other essential facilities. However, I understand that zoning regulations may pose challenges to this conversion. I am prepared to navigate the variance application process to address any concerns and ensure compliance with all applicable regulations.

Combining child care and preschool programs offers comprehensive support for children's development and working parents' needs. These integrated services provide a nurturing environment for young children to learn, grow, and thrive. Child care ensures safety and

Kinderstar Academy of Dungytrees, LLC
324 E. High Street
Jackson, Michigan 49203
(517) 240-3511

supervision, while preschool curriculum focuses on early education, preparing children for academic success.

Together, they create a holistic approach to early childhood development, fostering social, emotional, cognitive, and physical skills. By offering both child care and preschool, families benefit from convenience and continuity, while children receive a solid foundation for lifelong learning.

I am committed to working closely with the City of Jackson Planning Department to address any questions or concerns regarding the proposed child care and preschool center. I believe that this project aligns with the city's goals of promoting community well-being and enhancing access to essential services for residents.

Thank you for considering my letter of intent. I look forward to the opportunity to submit a formal variance application and work collaboratively with the city to bring this project to fruition.

Sincerely,

Dena K. Morgan
Director
Kinderstar Academy of Dungytrees, LLC

Dimensional Variance
324 E. High Street
City of Jackson, Michigan

GENERAL INFORMATION

Applicant:	Kinderstar Academy of Dungytreeti, LLC 324 E. High St. Jackson, MI 49203
Subject Location:	324 E. High St. (Parcel #5-11970)
Received Date:	March 20, 2024
Current Zoning:	R-3, Multiple Family Residential
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

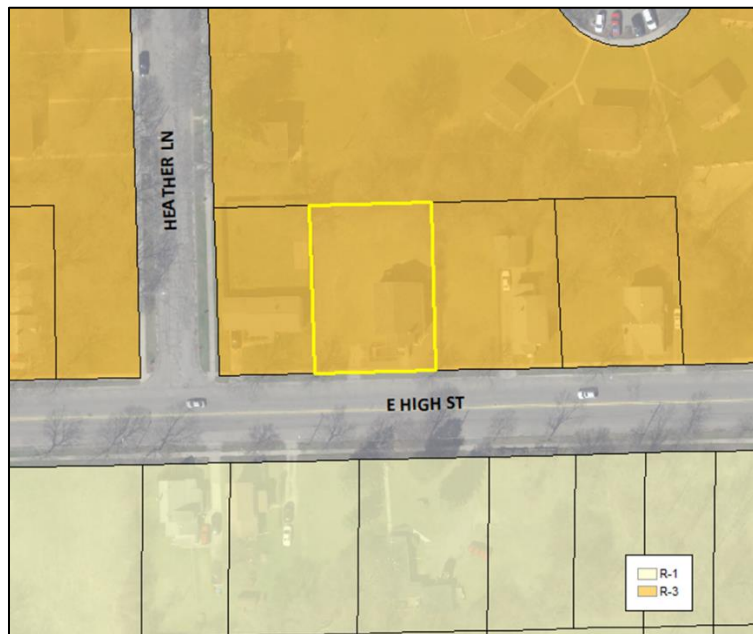
The subject property, located on the north side of E. High Street and one lot east Heather Ln., is 0.27 acres with 92.88 feet of road frontage. Review of the City of Jackson assessing records show the site contains single story 1,488 square-foot structure. Historically, the structure/site was a church use, most recently, New Macedonia Baptist Church; the site has been unused for an unknown length of time.





NEIGHBORING ZONING AND LAND USE

The subject property is currently R-3, Multiple-Family Residential, the table below identifies the surrounding zoning designations and current land uses.



	North	South	East	West
Zoning	R-3, Multiple-Family Residential	R-1, One-Family Residential	R-3, Multiple-Family Residential	R-3, Multiple-Family Residential
Land Use	Residential	Residential	Residential	Residential

VARIANCE REQUEST

The applicant requests a use variance from Section 28-145(d)(2) of the zoning ordinance which requires child care center buildings and activity areas to be not less than fifty (50) feet away from any lot in a residential district.

Approval of the dimensional variance request will allow the applicant to pursue a conditional use permit

for a proposed child care facility in the existing structure at 324 E. High St. which is sited approximately eight and a half (8.5) feet west of the east property/lot line.

It is important to note the distance from the subject structure and the nearest/ neighboring structure east is approximately sixty-five (65) feet, and the distance from the subject structure and the nearest/ neighboring structure west is approximately fifty-five (55) feet.

DIMENSIONAL VARIANCE STANDARDS

Per Section 28-238(c) 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.

Staff Comment: *There are no exceptional or extraordinary conditions applying to the property that do not apply to other properties in the immediate area. As it appears, all structures do not meet the minimum side yard setback requirements for permitted or conditional uses in the current zoning district.*

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

Staff Comment: *The proximity of the structure to the side/east property line is not a result of an action 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.

Staff Comment: *Strict compliance would not unreasonably prevent the applicant from using the property for a permitted purpose, however, a dimension variance for other permitted or conditional uses would be required.*

As sited, the existing structure does not meet the minimum side yard setback requirements for a single-family home (ten (10) feet) or a church (fifty (50) feet) in the current zoning district.

- (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.

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

- (5) The variance is the minimum variance possible for reasonable use of the property.

Staff Comment: *Because the east side yard setback is established, the dimensional 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.

Staff Comment: *The variance request 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.

Staff Comment: *Approval of the variance request will not be construed to allow a change of use but shall allow only a variation or modification from the provisions of this chapter.*

RECOMMENDATIONS

Based on the following findings of fact, staff recommends conditional approval of the requested dimensional variance property at 324 E. High St. (Parcel #5-11970).

1. *As sited, the existing structure does not meet the minimum side yard setback requirements for a single-family home (ten (10) feet) or a church (fifty (50) feet) in the current zoning district.*
2. *Approval of the requested dimensional variance will not alter the essential character of the area.*
3. *Approval of the variance request will not be construed to allow a change of use but shall allow only a variation or modification from the provisions of this chapter.*

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

1. *Approval of a conditional use permit for a child care facility; and*
2. *Property to meet all applicable zoning ordinances and building code regulations.*

Respectfully,
Christopher M. Atkin



Planning Director, City of Jackson

cc: Applicant

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 dimensional variance request pursuant to Section 28-244 of the City of Jackson Zoning Ordinance and as detailed below.

Applicant:

Kinderstar Academy of Dungytrees, LLC
324 E. High St.
Jackson, MI 49203

Subject Property:

324 E. High St.
(Parcel #5-11970)

Variance Request:

The applicant requests a use variance from Section 28-145(d)(2) of the zoning ordinance which requires child care center buildings and activity areas to be not less than fifty (50) feet away from any lot in a residential district

Effect of Request:

Approval of the dimensional variance request will allow the applicant to pursue a conditional use permit for a proposed child care facility in the existing structure at 324 E. High St. which is sited approximately eight and a half (8.5) feet west of the east property/lot line.

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

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

**5:30PM on April 25, 2024 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 Chris Atkin at 517-768-6433 or catkin@cityofjackson.org with comments. Written comments may be mail to 161 W. Michigan Avenue, Jackson, MI 49201, c/o Chris Atkin. All comments and/or questions must be received no later than 5:00PM on April 25, 2024.