



ZBA 23-16

Fee: \$1,002
Date Rec'd: 9/18/23
Application #: ZBA 23-16
Meeting Date: 10/17/23

City of Flint
Planning & Zoning Department
 1101 S Saginaw Street Room S105, Flint, MI 48502
 Phone: (810)766-7426

www.cityofflint.com/department/planning-and-zoning/

Application for Use Variance, Non-Use Variance, or Exception			
<input type="checkbox"/> Use Variance		<input checked="" type="checkbox"/> Non-Use Variance	
<input type="checkbox"/> Exception			
Property Address & Parcel ID Numbers	Property or Street Address:		
	200 E First St (*Soon-to-be 529 Harrison St)		
	Parcel I.D. Number(s):		
	4118126020		
Zoning District:			
Project Description	Uptown Reinvestment Corporation is requesting an exemption from the 50-155 foundational plantings on the Southern elevation for the MSU Expansion project.		
	Does the project involve Specially Designated Merchant License, Specially Designated Distributor License, or other liquor license?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Are there any easements on the property?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Applicant <i>(Must have a legal interest in the property)</i> PROPERTY OWNER MUST ATTEND PLANNING COMMISSION MEETINGS OR BE REPRESENTED BY A PERSON WITH NOTORIZED LETTER OF REPRESENTATION TO ACT ON BEHALF OF OWNER	Name:	Moses Timlin	
	Firm:	Uptown Reinvestment Corporation	
	Address:	503 S Saginaw St, STE 1500	
	City:	Flint	
	State:	MI	Zip Code: 48502
	Phone:		Email:
	<input checked="" type="checkbox"/> Own the property		
	<input type="checkbox"/> Lease the property, if so what is term of lease?	Years:	W/ options? <input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Have offer to purchase property (attach purchase agreement)		
	<input checked="" type="checkbox"/> Other property interest: (e.g., architect, attorney, contractor, etc.)		
Applicant Signature:			

City of Flint 1101 S. Saginaw Street, Room S105, Flint MI 48502
 (810) 766-7426

Primary Contact <input checked="" type="checkbox"/> Same as applicant	Name:			
	Firm:			
	Address:			
	City:			
	State:		Zip Code:	
	Phone:		Email:	
	Relationship to Applicant (e.g., architect, attorney, contractor, etc.)			
Property Owner <input type="checkbox"/> Same as applicant	Name:	Tim Herman		
	Firm:	URC FJ LLC		
	Address:	503 S Saginaw, STE 1500		
	City:	Flint		
	State:	MI	Zip Code:	48502
	Phone:		Email:	
	Relationship to Applicant (e.g., architect, attorney, contractor, etc.)		Property Owner	

Please note:

The non-refundable fee made payable to the City of Flint must accompany your application.

Application to the Zoning Board of Appeals for a Non-Use Variance

Section 50.17.12

A Non-use variance is a variance relating to the construction, structural changes, or alterations of buildings or structures related to dimensional requirements of the Zoning Ordinance or to any other non-use related standard in the Ordinance. An applicant must show “practical difficulty” to be granted a non-use variance.

1. What, if any, exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district or in the general vicinity.

According to the City of Flint Zoning Code, Section 50-155 Building Foundation Zone Landscaping, “or foundation plantings shall be installed across sixty percent (60%) of the length of the facade of the front and corner side yards of the building, except where walkways are driveways are located.” To comply with this requirement would entail exceptionally extensive landscaping along the South Elevation to adhere to the zoning code. A minimum of a four-foot-wide hedge row incorporating trees or shrubs of 3’ - 4’ feet could block some of the permeability of the South Elevation view. Thus, such requirements contradict the transparency requirements stated in Ordinance Section 50.4 because the landscaping would block the windows. Having such features disrupts the intent of the MSU College of Human Medicine’s desire for a prominent mural (see attachment).

Additionally, this would be a financially burdensome planting and maintenance schedule as that side of the building spans 116 feet. This would equate to 70 feet, requiring additional landscaping coverage. Such landscaping requirements are costly for a nonprofit developer and tenant to bear. Maintenance schedules are already rigorous for the existing MSU Flint Journal building due to the constant trash and littering by passersby and events.

Virtually no commercial building complies with this requirement in the Downtown District. However, landscaping is provided on the West and East Elevations adjacent to the building entrances to supplement the ordinance’s intent.

2. Please describe how the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the neighboring area.

As mentioned, no other commercial building in downtown complies with this new requirement, as a significant cost is associated with a minimum planting of 60% along the foundation zone. Providing this large-scale minimum 60% landscape would significantly cost burden the project in the short- and long-term.

This building program uniquely differs from traditional ground-floor commercial storefront use, retail, or entertainment uses in which higher-intensity landscaping benefits users and the city. This project has worked to balance these competing issues to arrive at a competent level of plantings that supports the institutional function of the building while successfully activating and engaging pedestrians in the downtown area, in alignment with the intent and purpose of the zoning ordinance.

3. Please describe how the immediate practical difficulty causing the need for the variance was not created by the applicant or the applicant’s predecessors in title.

This project was initially designed before the adoption of the new zoning code. Our design team had to balance walkability and building cost-effectiveness for the new expansion. Containing the building within a specific footprint on a long, fixed site is necessary to maintain the project’s financial viability while still achieving our walkability goals. The setback extending beyond 10 feet resulted from expanding sidewalks and providing a stone edge while aligning with the zoning code’s intent, prioritizing walkability and pedestrian-friendly environments.

We also need to maintain the stone edge, and a minimum planting of 60% vastly increases the difficulty of doing so.

4. Please describe how the variance shall not cause substantial detriment to adjacent property and the surrounding neighborhood.

The current building design is sympathetic to the historic Flint Journal Building, and the project obtained a Certificate of Appropriateness from HDC on December 02, 2022. This proposed project responds positively to the existing site and adjacent properties by strengthening the urban street edge conditions along the South Elevation at the corner of Harrison Street and Second Street, creating a more clearly defined and effective urban street edge at this vital intersection.

As a replacement, and in contrast to the existing surface parking lot and essentially solid south-facing existing Flint Journal Building elevation, which is also significantly set back from Second Street to allow for wider sidewalks, the proposed building will be consistent with and in much closer alignment with the intent and purpose of the zoning ordinance relative to activating and engaging pedestrian activities at street level.

5. Please describe how the variance shall be consistent with, and not materially impair, the purpose and intent of the Master Plan and Zoning Ordinance including the zoning district.

Our design team has developed alternative landscaping solutions that achieve the intent of the zoning code, even though it is less than the standard requirements. The East and West Elevation landscaping addresses the site's unique circumstances while providing aesthetic enhancements and environmental benefits. Additionally, it is viewable for pedestrians navigating through Second Street.

Moses Timlin
Uptown Reinvestment Corporation
MSU Expansion Project

Re: City of Flint Zoning Board of Appeals Variance Request Submission 9/19/2023

Project Description

Uptown Reinvestment Corporation is requesting an exemption from the 50-155 foundational plantings on the Southern elevation for the MSU Expansion project. The MSU Expansion would entail an addition of approximately 40,000 square feet of office space for the College of Human Medicine, Charles Stewart Mott Department of Public Health. The new three-story facility will host research, administrative, and instructional spaces. MSU anticipates creating 129 additional jobs at the expanded Flint location.

- 1. What, if any, exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district or in the general vicinity.**

According to the City of Flint Zoning Code, Section 50-155 Building Foundation Zone Landscaping, " or foundation plantings shall be installed across sixty percent (60%) of the length of the facade of the front and corner side yards of the building, except where walkways are driveways are located." To comply with this requirement would entail exceptionally extensive landscaping along the South Elevation to adhere to the zoning code. A minimum of a four-foot-wide hedge row incorporating trees or shrubs of 3' - 4' feet could block some of the permeability of the South Elevation view. Thus, such requirements contradict the transparency requirements stated in Ordinance Section 50.4 because the landscaping would block the windows. Having such features disrupts the intent of the MSU College of Human Medicine's desire for a prominent mural (see attachment).

Additionally, this would be a financially burdensome planting and maintenance schedule as that side of the building spans 116 feet. This would equate to 70 feet, requiring additional landscaping coverage. Such landscaping requirements are costly for a nonprofit developer and tenant to bear. Maintenance schedules are already rigorous for the existing MSU Flint Journal building due to the constant trash and littering by passersby and events.

Virtually no commercial building complies with this requirement in the Downtown District. However, landscaping is provided on the West and East Elevations adjacent to the building entrances to supplement the ordinance's intent.

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This building program uniquely differs from traditional ground-floor commercial storefront use, retail, or entertainment uses in which higher-intensity landscaping benefits users and the city. This project has worked to balance these competing issues to arrive at a competent level of plantings that supports the institutional function of the building while successfully activating and engaging pedestrians in the downtown area, in alignment with the intent and purpose of the zoning ordinance.

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As a replacement, and in contrast to the existing surface parking lot and essentially solid south-facing existing Flint Journal Building elevation, which is also significantly set back from Second Street to allow for wider sidewalks, the proposed building will be consistent with and in much closer alignment with the intent and purpose of the zoning ordinance relative to activating and engaging pedestrian activities at street level.

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addresses the site's unique circumstances while providing aesthetic enhancements and environmental benefits. Additionally, it is viewable for pedestrians navigating through Second Street.

SOUTH PERSPECTIVE

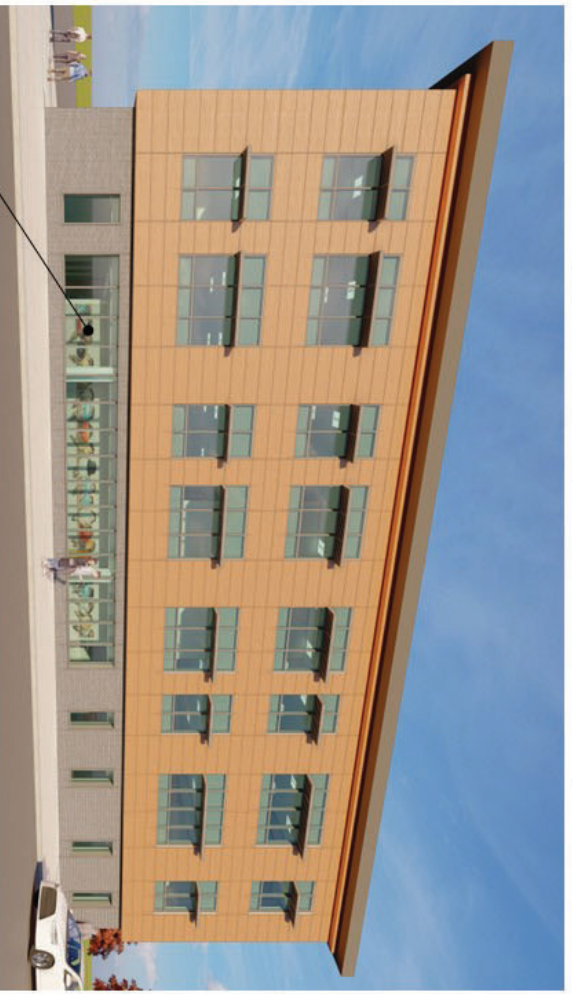


FIRST FLOOR PLAN

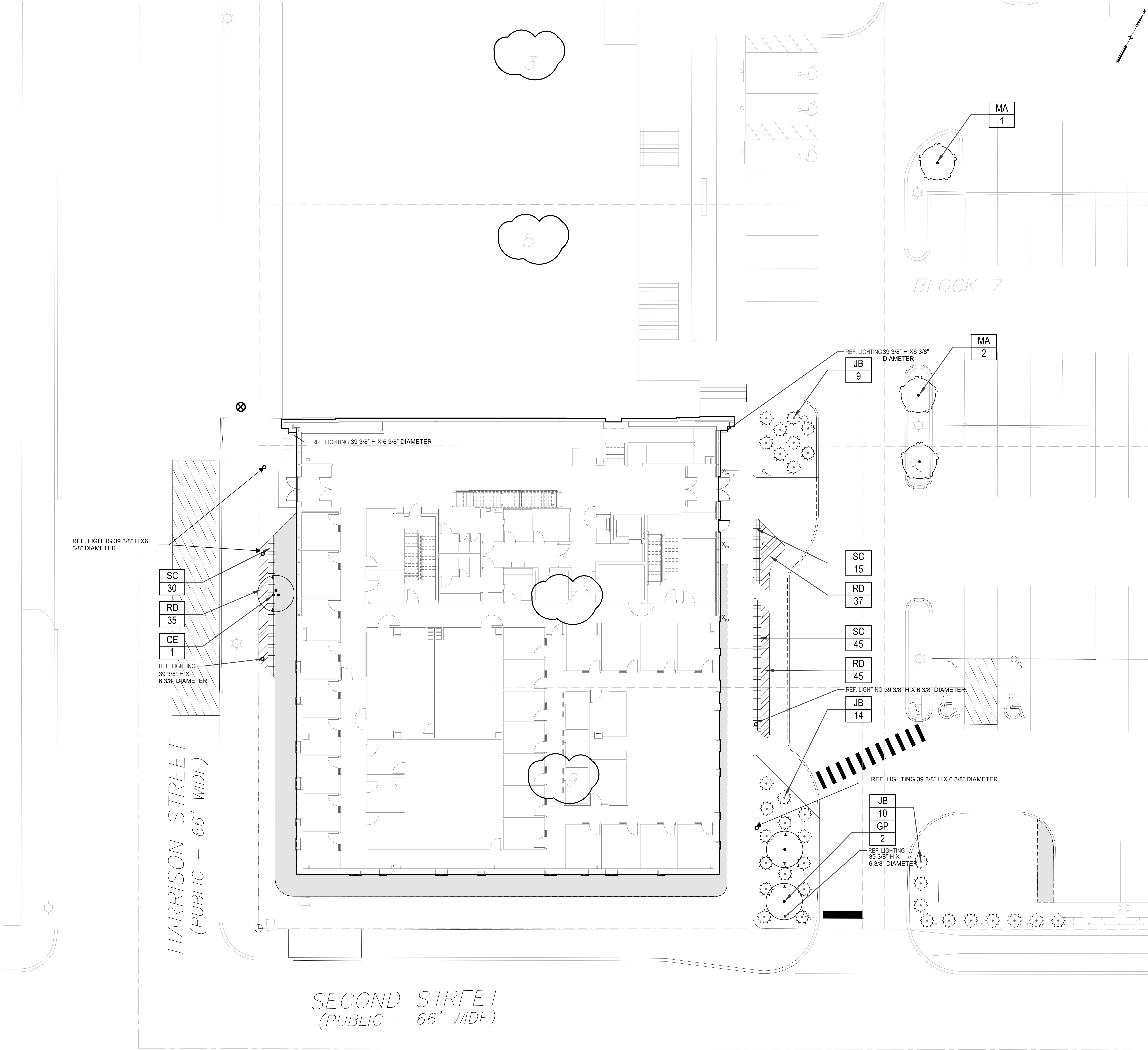
LOCATION FOR ADDITIONAL INTERIOR WALL MURAL



INTERIOR ELEVATION
(Graphic shown is a placeholder to show intent only)



EXTERIOR RENDERING



KEYNOTES

- SEE SHEET LP-500 FOR PLANT LIST WITH PLANT CODES AND DETAILS.
- REFER TO GENERAL NOTES ON SHEET LP-500.
- INDEPENDENT OF NUMERIC QUANTITIES ON DRAWINGS OR IN THE PLANT SCHEDULE, DETERMINE THE PLANT MATERIAL QUANTITIES REQUIRED BY THE PLANS. SPACE PLANT MATERIALS AS SHOWN ON PLANS AND INDICATED IN PLANT SCHEDULE. PLANT MATERIALS SHALL CONFORM TO PLANT SCHEDULES AND SIZES SHALL BE THE MINIMUM INDICATED ON THE PLANT SCHEDULE OR LARGER. INSTALLATION OF LARGER PLANTS AT NO ADDITIONAL COST TO OWNER. ALL MEASUREMENTS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF ANLA "STANDARDS FOR NURSERY STOCK" (ANSI Z60.1).
- PRIOR TO INSTALLATION, DEMARCATÉ LAYOUT OF ALL PLANTING BEDS, SEED AREAS AND INDIVIDUAL TREES FOR REVIEW AND APPROVAL BY FIELD APPROVER. INCLUDE PERENNIAL GROUPINGS BY SPECIES FOR INTERNAL BED LAYOUTS. FLAGGING, STAKES OR PAINT MAY BE USED TO DELINEATE LOCATIONS AS SCALED FROM THE PLANS. THE FIELD APPROVER WILL REVIEW THESE LOCATIONS WITH THE CONTRACTOR AND MAY MAKE MINOR ADJUSTMENTS AS NECESSARY. SUCH ADJUSTMENTS WILL BE AT NO ADDITIONAL COST TO THE OWNER.
- UTILIZE HORTICULTURAL TREE WATERING BAGS FOR ALL TREES PLANTED OUTSIDE OF IRRIGATED LANDSCAPE ZONES THROUGHOUT THE WARRANTY PERIOD. REPLENISH TREE WATERING BAGS REGULARLY SO THAT TREES REGULARLY RECEIVE 1" OF WATER PER WEEK.
- MINIMIZE CULTIVATION WITHIN THE DRIPLINES OF EXISTING TREES. A MORE DETAILED SURVEY WILL NEED TO BE PROVIDED TO IDENTIFY THE APPROXIMATE LOCATION OF EXISTING TREES AND PLANTINGS. PREPARE SOIL FOR SEEDING UNLESS OTHERWISE NOTED BY MINIMIZING DISTURBANCE TO 2-INCH DEPTH UNDER EXISTING TREES. HAND CULTIVATE WHEN ENCOUNTERING ROOTS. NO HEAVY EQUIPMENT ALLOWED WITHIN DRIPLINE OF EXISTING TREES.
- PRE-APPROVED OFF-SITE TOPSOIL DEPTHS SHALL BE AS FOLLOWS: 12" DEPTH IN ALL SHRUB AND PERENNIAL BEDS; 6" DEPTH IN ALL LAWN AREAS. TREE PLANTING PITS SHALL BE ONE PART PRE-APPROVED OFF-SITE TOPSOIL AND ONE PART EXISTING SOIL FROM PLANT PIT, THOROUGHLY HOMOGENIZED.
- MULCH PLANTING BEDS AS SPECIFIED TO 2" DEPTH - KEEP 4 INCHES FROM TREE TRUNKS AND SHRUB CROWNS. MULCH ENTIRE PARKING LOT ISLANDS WITHIN PROJECT AREA TO 2 INCH DEPTH
- CALL "MISS DIG" (800-482-7171) AND STAKE OUT EXISTING UTILITIES AT LEAST 72 HOURS BEFORE STARTING THE WORK AND BEFORE EXCAVATING, AND INSTALLATION OF PLANT MATERIAL AND IRRIGATION SYSTEM. PROTECT EXISTING UTILITY TO REMAINS. A MORE DETAILED SURVEY WILL NEED TO BE PROVIDED TO IDENTIFY THE APPROXIMATE LOCATION OF EXISTING UTILITIES - BOTH OVERHEAD AND SUBSURFACE.
- LEGALLY DISPOSE OF DEBRIS ASSOCIATED WITH PLANTING OFF-SITE.

MSU CHM PUBLIC HEALTH PROGRAM EXPANSION AT FLINT CAMPUS

529 HARRISON STREET
FLINT, MI 48502

SMITHGROUP

500 GRISWOLD SUITE 1700
DETROIT, MI 48226
smithgroup.com

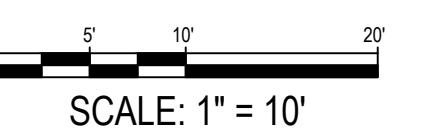
ISSUED FOR	REV	DATE
SPA RESUBMITTAL	4	12SEP2023
SPA RESUBMITTAL	3	10MAY2023
BIDS AND PERMITS	2	20JAN2023
HDC/SPA	1	11NOV2023

LEGEND

- FLOWERING TREE
- ORNAMENTAL TREE
- SHRUB
- PERENNIAL / GROUNDCOVER PLANT BED
- PERENNIAL / GROUNDCOVER PLANT BED
- METAL LANDSCAPE EDGE
- STONE MAINTENANCE EDGE



SHEET TITLE
LANDSCAPE PLAN



PROJECT NUMBER 13354
SHEET NUMBER **LP-100**



CITY OF FLINT

ZONING BOARD OF APPEALS
MATT TELLIGA, CHAIRMAN

STAFF REPORT (ZBA 23-16)

DATE: October 11, 2023
TO: City of Flint Zoning Board of Appeals
FROM: Max Lester, Int. Zoning Coordinator
SUBJECT: ZBA 23-16 Non-Use Variance Request

LOCATION: 200 E. First St. (Soon to be 529 Harrison St.) (PID # 41-18-126-020)
AFFECTED WARD: Subject site is in Ward 5

PERTINENT SECTIONS OF THE ORDINANCE:

50-196 Variance Procedure
50-28 DE Downtown Edge: Purpose and Intent
Article 13 Landscaping Standards
 50-149 Purpose and Intent
 50-150 Applicability
 50-155 Building Foundation Zone Landscaping

EXISTING LAND USE PATTERNS:

North – UM – Flint Parking Lot and Structure
East – Flint Farmer's Market
South – MTA Transit Center
West – Brush Park, Parking Lot

EXISTING ZONING PATTERNS:

Subject Property – DE Downtown Edge
North – DE Downtown Edge
East – DE Downtown Edge
South – DE Downtown Edge
West – DC Downtown Core

APPLICANT REQUEST:

Non-Use Variance for relief from Section 50-155 Building Foundation Zone Landscaping for the southern elevation of the MSU Expansion project at 200 E. First St., Flint, MI 48503 (PID # 41-18-126-020).

BACKGROUND:

Uptown Reinvestment Corporation is requesting a Non-Use Variance for relief from 50-155 Building Foundation Landscaping along the southern façade of the proposed extension to the historic Flint Journal building.

The applicants received a Certificate of Appropriateness from the Historic District Commission on December 1st, 2022 approving the overall development.

The applicants also received a Non-Use Variance on April 18th, 2023 to allow for a 15% reduction in ground floor transparency and 14.5% reduction in above ground floor transparency requirements.

Article 13, Section 50-155 Building Foundation Zone Landscaping includes the following provisions:

- A. If a multi-family residential, non-residential or mixed-use development maintains a front or corner side yard or setback of ten (10) feet or more, building foundation landscaping in the yard/setback is required.
- B. Foundation plantings shall be designed to supplement buffer yard plantings to frame important views, while visually softening long expanses of walls. Foundation plantings shall respond to the windows and materials of the building.
- C. Foundation plantings shall be installed across sixty percent (60%) of the length of the façade of the front and corner side yard(s) of the building, except where walkways and driveways are located.
- D. A minimum four (4) foot wide hedge row shall be planted with one (1) shrub every three (3) feet on center, spaced linearly. Such shrubs shall measure a minimum of twenty-four (24) inches at planting, and shall be a minimum of thirty-six (36) inches to a maximum of forty-eight (48) inches in height at maturity. Foundation plantings may also include trees, additional shrubs, grasses, perennials, and groundcover.

Article 17, Section 50-196 G. Review Standards

No variance shall be authorized by the Board unless the Board finds that all of the following facts and conditions are met:

2. Nonuse/Dimensional Variances:

- i. Exceptional or Extraordinary Circumstances or Conditions. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district or in the general vicinity. Exceptional or extraordinary circumstances or conditions may include:
 - a. Exceptional narrowness, shallowness or shape of a specific property in existence on the effective date of this Chapter or amendment; or
 - b. Exceptional topographic or environmental conditions or other extraordinary situations on the land, building or structure; or
 - c. The use or development of the property immediately adjacent to the subject property would prohibit the literal enforcement of the requirements of this Chapter or would involve significant practical difficulties.

- ii. Substantial Property Right. That the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the neighboring area.
- iii. Not Self-Created. That the immediate practical difficulty causing the need for the variance was not created by the applicant or the applicant's predecessors in title.
- iv. No Substantial Detriment. The Variance shall not cause substantial detriment to adjacent property and the surrounding neighborhood.
- v. Consistency with Master Plan/Zoning Ordinance. That the variance shall be consistent with, and not materially impair, the purpose and intent of the Master Plan and Zoning Ordinance including the zoning district.



ZBA 23-16 Non-Use
Variance Request

Location Map



Map Publication:
10/11/2023 3:30 PM



Disclaimer: This map does not represent a survey or legal document and is provided on an "as is" basis. Genesee County expresses no warranty for the information displayed on this map document.

ZBA Case 23-16
Moses Timlin, 200 E First Street
Non-Use Variance requesting complete exception from required building
foundation zone landscaping on the Southeast façade of the proposed structure
at 200 E First Street

STANDARDS FOR APPROVAL OF VARIANCES		
Standard	Required	Requested Variance
Section 50-155 Building Foundation Zone Landscaping	When any front or corner side yard setback is ten (10) feet or more, foundation plantings shall be installed across sixty percent (60%) of the length of the façade, where that setback is maintained.	Complete exemption from required building foundation zone landscaping along the Southeast façade of the proposed structure at 200 E First Street

FACTS
<ol style="list-style-type: none"> 1. The subject property is located at 200 E First Street (PID #: 41-18-126-020) and is zoned DE Downtown Edge. 2. The subject property will be split between the existing Flint Journal Building and the proposed expansion. 3. The subject property is not located within a floodplain or a designated wetland. 4. The subject property currently contains the historic Flint Journal building located at the corner of 1st Street and Harrison Street. 5. This proposed structure addition received Historic District Commission’s Certificate of Appropriateness for the proposed new construction. 6. This proposed project received a Non-Use Variance on April 18th, 2023 for a 15% reduction in ground floor transparency and 14.5% reduction in above ground floor transparency requirements.

STANDARDS FOR APPROVAL OF VARIANCES UNDER THE CITY OF FLINT ZONING ORDINANCE
In consideration of all variances, the Zoning Board of Appeals shall review each case individually as to its compliance with each of the following standards and may only approve variance requests which comply with all of them:

STANDARD 1	Does Site Meet Requirements		
	Yes	No	N/A
<p>Exceptional or Extraordinary Circumstances or Conditions. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district or in the general vicinity. Exceptional or extraordinary circumstances or conditions may include:</p> <ul style="list-style-type: none"> a. Exceptional narrowness, shallowness or shape of a specific property in existence on the effective date of this Chapter or amendment; or b. Exceptional topographic or environmental conditions or other extraordinary situations on the land, building or structure; or c. The use or development of the property immediately adjacent to the subject property would prohibit the literal enforcement of the requirements of this Chapter or would involve significant practical difficulties. 			
<p>Applicant Comment:</p> <ul style="list-style-type: none"> - According to the City of Flint Zoning Code, Section 50-155 Building Foundation Zone Landscaping, " or foundation plantings shall be installed across sixty percent (60%) of the length of the facade of the front and corner side yards of the building, except where walkways are driveways are located." To comply with this requirement would entail exceptionally extensive landscaping along the South Elevation to adhere to the zoning code. A minimum of a four-foot-wide hedge row incorporating trees or shrubs of 3' - 4' feet could block some of the permeability of the South Elevation view. Thus, such requirements contradict the transparency requirements stated in Ordinance Section 50.4 because the landscaping would block the windows. Having such features disrupts the intent of the MSU College of Human Medicine's desire for a prominent mural (see attachment). - Additionally, this would be a financially burdensome planting and maintenance schedule as that side of the building spans 116 feet. This would equate to 70 feet, requiring additional landscaping coverage. Such landscaping requirements are costly for a nonprofit developer and tenant to bear. Maintenance schedules are already rigorous for the existing MSU Flint Journal building due to the constant trash and littering by passersby and events. - Virtually no commercial building complies with this requirement in the Downtown District. However, landscaping is provided on the West and East Elevations adjacent to the building entrances to supplement the ordinance's intent. 			
<p>STAFF FINDINGS IN SUPPORT:</p>	<p>STAFF FINDINGS IN OPPOSITION:</p> <p>The subject property appears to meet the district dimensional requirements of Table 50-31B and does not appear to be exceptionally narrow, shallow or have a unique shape. Additionally, the parcel does not appear to have exceptional topographical or environmental conditions that do not apply to other properties in the same zoning district or in the general vicinity.</p>		

STANDARD 2	Does site meet Requirements		
	Yes	No	N/A
Substantial Property Right. That the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the neighboring area.			
Applicant Comment: <ul style="list-style-type: none"> - As mentioned, no other commercial building in downtown complies with this new requirement, as a significant cost is associated with a minimum planting of 60% along the foundation zone. Providing this large-scale minimum 60% landscape would significantly cost burden the project in the short- and long-term. - This building program uniquely differs from traditional ground-floor commercial storefront use, retail, or entertainment uses in which higher-intensity landscaping benefits users and the city. This project has worked to balance these competing issues to arrive at a competent level of plantings that supports the institutional function of the building while successfully activating and engaging pedestrians in the downtown area, in alignment with the intent and purpose of the zoning ordinance. 			
STAFF FINDINGS IN SUPPORT: <p>The Zoning Code states in 50-155 Building Foundation Zone Landscaping that “Foundation plantings shall be designed to supplement buffer yard plantings to frame important views, while visually softening long expanses of walls. Foundation plantings shall respond to the windows and materials of the building.” If plantings are expected to be linearly placed, strict adherence might be difficult while also meeting the intent of the code.</p>	STAFF FINDINGS IN OPPOSITION: <p>The length of the south elevation along E. Second St. for the proposed building is 116 ft. The proposed length of window space along that wall is 70 feet, comprising approximately 60.3% of the length of the façade. Building Foundation Zone Landscaping is required along 60% of the front and corner side façade where the setback is more than 10 feet.</p> <p>As the Zoning Ordinance was recently adopted in October 2022, general compliance with landscaping standards is expected to take time as new development and redevelopment occurs.</p> <p>A lesser variance can be requested that balances the intent of the Zoning Code while also preventing a total exemption from Building Foundation Zone landscaping along the southern façade. However, if there is a general lack of flexibility in the standards for Building Foundation Zone landscaping, it is more appropriately handled as an amendment to the Zoning Ordinance than as a variance.</p>		

STANDARD 3	Does site meet Requirements		
	Yes	No	N/A
Not Self-Created. That the immediate practical difficulty causing the need for the variance was not created by the applicant or the applicant's predecessors in title.			
<p>Applicant Comment:</p> <ul style="list-style-type: none"> - This project was initially designed before the adoption of the new zoning code. Our design team had to balance walkability and building cost-effectiveness for the new expansion. Containing the building within a specific footprint on a long, fixed site is necessary to maintain the project's financial viability while still achieving our walkability goals. The setback extending beyond 10 feet resulted from expanding sidewalks and providing a stone edge while aligning with the zoning code's intent, prioritizing walkability and pedestrian-friendly environments. - We also need to maintain the stone edge, and a minimum planting of 60% vastly increases the difficulty of doing so. 			
<p>STAFF FINDINGS IN SUPPORT: There are no factors involved that would indicate a self-created hardship.</p>	<p>STAFF FINDINGS IN OPPOSITION:</p>		

STANDARD 4	Does site meet Requirements		
	Yes	No	N/A
No Substantial Detriment. The Variance shall not cause substantial detriment to adjacent property and the surrounding neighborhood.			
<p>Applicant Comment:</p> <ul style="list-style-type: none"> - The current building design is sympathetic to the historic Flint Journal Building, and the project obtained a Certificate of Appropriateness from HDC on December 02, 2022. This proposed project responds positively to the existing site and adjacent properties by strengthening the urban street edge conditions along the South Elevation at the corner of Harrison Street and Second Street, creating a more clearly defined and effective urban street edge at this vital intersection. - As a replacement, and in contrast to the existing surface parking lot and essentially solid south-facing existing Flint Journal Building elevation, which is also significantly set back from Second Street to allow for wider sidewalks, the proposed building will be consistent with and in much closer alignment with the intent and purpose of the zoning ordinance relative to activating and engaging pedestrian activities at street level. 			
<p>STAFF FINDINGS IN SUPPORT:</p> <p>The resulting design on the South façade will not create a visual substantial detrimental impact on the surrounding adjacent properties or the surrounding neighborhood. The ultimate design and layout of the building would be consistent with surrounding developments.</p>	<p>STAFF FINDINGS IN OPPOSITION:</p> <p>Section 50-149 Purpose and Intent lists the various purposes of the landscaping and screening minimum requirements, including but not limited to improving air quality, increasing areas for groundwater infiltration, and to provide shading. These impacts will become more evident as more properties come into conformance with the new Zoning Code.</p>		

STANDARD 5	Does site meet Requirements		
	Yes	No	N/A
<p>Consistency with Master Plan/Zoning Ordinance. That the variance shall be consistent with, and not materially impair, the purpose and intent of the Master Plan and Zoning Ordinance including the zoning district.</p>			
<p>Applicant Response:</p> <ul style="list-style-type: none"> - Our design team has developed alternative landscaping solutions that achieve the intent of the zoning code, even though it is less than the standard requirements. The East and West Elevation landscaping addresses the site's unique circumstances while providing aesthetic enhancements and environmental benefits. Additionally, it is viewable for pedestrians navigating through Second Street. 			
<p>STAFF FINDINGS IN SUPPORT:</p> <p>The Master Plan (Comprehensive Plan) does not describe landscaping in any detail in this context and does not include any language on landscaping specific to the Downtown context.</p> <p>The Zoning Ordinance purpose and intent statement does not specifically address landscaping, other than to “maintain and enhance economically vibrant as well as attractive business and commercial areas.” (Section 50-3), and to “Enhance the quality and appearance of new development and redevelopment projects;” (Section 50-149).</p>	<p>STAFF FINDINGS IN OPPOSITION:</p>		

Sample motion to approve:

I make a motion to approve the variance 23-16 by Moses Timlin for complete relief from Section 50-155 Building Foundation Zone Landscaping for the the Southeast façade of the proposed structure at 200 E First Street based on the following findings of fact:

- It complies with Standard **1** because there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district or in the general vicinity.
- It complies with Standard **2** because granting the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the neighboring area.
- It complies with Standard **3** because the need for a variance was not self-created by the applicant or the applicant’s predecessor in title.
- It complies with Standard **4** because granting the requested variance would not cause substantial detriment to adjacent properties and the surrounding neighborhood.
- It complies with Standard **5** because the requested variance is consistent with, and not materially impair, the purpose and intent of the Master Plan and Zoning Ordinance including the zoning district.

Further, in order to ensure compliance with these standards, the following conditions are part of my motion to approve:

- _____
- _____

Sample Motion to deny:

I make a motion to deny the requested variance based on the following findings of fact:

- It does not comply with Standard **1** because there are no exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district or in the general vicinity.
- It does not comply with Standard **2** because granting the variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the neighboring area.
- It does not comply with Standard **3** because the need for a variance was self-created by the applicant or the applicant's predecessor in title.
- It does not comply with Standard **4** because granting the requested variance would cause substantial detriment to adjacent properties and the surrounding neighborhood.
- It does not comply with Standard **5** because the requested variance is not consistent with, and would materially impair, the purpose and intent of the Master Plan and Zoning Ordinance, including the zoning district.