
MINUTES OF REGULAR MEETING – . Approved 2/8/2024
BOARD OF ZONING APPEALS
Thursday, September 14, 2023, 6:30 P.M.
600 W. Maple Street, Lansing, MI 48906

I. ROLL CALL

The meeting was called to order by Chairperson, Marcie Alling at 6:30 p.m.

Present: M. Alling, K. Berryman, E. Jefferson, M. Rice, M. Solak & M. Jackson

Absent: B. Fryling (excused), C. Iannuzzi (excused), J. Leaming (excused)

Staff: S. Stachowiak & A. Fedewa

A quorum of at least five members was present, allowing voting action to be taken at the meeting.

II APPROVAL OF AGENDA

It was moved by Mr. Solak, seconded by Ms. Jefferson to approve the agenda with the addition of “Excused Absence” under New Business. On a voice vote, the motion carried unanimously (6-0).

III. PUBLIC COMMENT - None

IV. PUBLIC HEARING/ACTION

- A. BZA-4081.23, 709 N Larch Street, Variances to the corner massing and build-to line requirements and to the restrictions on the amount of parking permitted in a front yard, the width of a landscaped buffer along front property lines, and the allowable number of parking spaces.**

Ms. Stachowiak stated that this is a request by Thomas Lauzon, 21550 LLC, for variances to Sections 1243.10.02 (a)(C), (b)(D) & (c)(H), 1252.06 (b)(1) and 1254.01.03 (c) of the City of Lansing Zoning Ordinance. She said that these Sections require that buildings on corner lots in the “DT-2” district, which is the zoning designation of the subject property, occupy at least 20 feet of the frontage along both streets, requires buildings to be located a maximum distance of 5 feet from the rear line of the parking lot, prohibits more than 1 row of parking within a front yard, restricts landscape buffers along the front property lines to 8 feet in width, and restricts the allowable number of parking spaces for the proposed building and use to 19. The applicant’s proposal is to construct a building that would be located 90.75 feet from the N. Larch Street front property line, 52.75 from the E. Saginaw Street front property line, and 7 feet from the rear line of the parking lot. The proposed plan also involves 2 rows

of parking within the N. Larch Street front yard, landscape buffers up to 23.75 feet in width and 59 parking spaces.

Ms. Stachowiak stated that the applicant is requesting the variances to permit the construction of a 4,000 square foot building for a marijuana provisioning center with related site improvements, as depicted on the site plan included in the meeting packet. She further stated that the staff recommendation is to deny the requests based upon a finding that the variances do not comply with the applicable practical difficulty/unnecessary hardship and impact criteria listed in Sections 1274.06(c) 1274.06(e) of the Zoning Ordinance as described in the staff report.

Ms. Stachowiak stated that since there is nothing unique about the site that makes compliance with the ordinance provisions impractical or unreasonably difficult, approval of the variances could set a negative precedent for future requests to vary the development requirements of the "DT-2" zoning district. She said that the requested variances would allow for development of the site in a manner that is not consistent with the intent of the Zoning Ordinance or the Master Plan, thus diminishing the effectiveness of those documents in accomplishing their goals. She also stated that there is adequate room on the site for it to be developed in compliance all zoning ordinance requirements and for it to be designed in a manner that resolves the applicant's concerns with respect to vehicular and pedestrian safety.

Mr. Berryman asked if other businesses in the area comply with the development requirements of the DT-2 zoning district.

Ms. Stachowiak stated that most of the other businesses in the area do comply with DT-2 requirements. She explained that the intent of the DT-2 district is to transition from the downtown to a more urban built, rather than suburban environment that complements the downtown area that would be more aesthetically appealing and inviting for pedestrian traffic.

Ms. Alling opened the public hearing.

Ron Swaneck, 21550, LLC, owner of 709 N. Larch Street spoke in support of the requested variances. He stated that his team did explore different layout options but the one being brought before the Board best accommodates their needs and creates the safest environment for pedestrian traffic. Mr. Swaneck said that they have concerns about pedestrians crossing through the parking lot and drive through lane to access the building and about traffic backing up on N. Larch Street while waiting for in line for the drive through. He said that his team understands the intent of DT-2 but their business, which involves a drive-through, has different needs than most other businesses. He also said that they are concerned about the possibility of someone driving into the building if they are held to the corner massing requirement.

Ms. Jefferson pointed out that the parking north and west of the building will still have to walk through the parking lot/drive aisles/lines in order to access the building. She also asked why the site needs so much parking.

Mr. Lauzon, 21550, LLC responded that those parking spaces will most likely be for employee and overflow parking rather than being a preferred choice for customer parking. He also said that the proposed layout maximizes the parking area, but they are willing to reduce the amount of parking. Mr. Lauzon stated that their company bought parcels northwest of the subject property for a provisioning center, however, the City allowed another provisioning center nearby and because of the separation requirement, they were not able to obtain a license for that location. He said that this has resulted in litigation that is still pending.

Mr. Jackson asked if there is much pedestrian traffic at this intersection and if they expect many people to be walking across the parking lot.

Mr. Lauzon replied that they do not expect many pedestrian customers as most of their customers will use the drive through and will access the site via private, rather than public transportation.

Seeing no one wishing to speak, Ms. Alling closed the public hearing.

Mr. Rice stated that the applicant's litigation with the City is a separate issue and should not be considered as part of these deliberations. Mr. Rice said that the variances must be based on a practical difficulty that either prevents or makes compliance with the ordinance standards unreasonable difficult. He said that he cannot support these variance requests because the site can be developed in compliance with all ordinance requirements.

Mr. Solak asked why the DT-2 district area changed so much under the form-based code.

Ms. Stachowiak replied that in urban areas, it is good planning practice to site buildings at corners and near front property lines to be pedestrian-scaled so that buildings, rather than parking lots, dominate the streetscape.

Mr. Berryman stated that there is a concern with respect to both vehicular and pedestrian safety in the area since the site is surrounded by state trunklines.

Ms. Stachowiak stated that there are alternative site designs that would allow for more stacking spaces in the drive through lane and that would provide direct pedestrian access from the parking lot to the building.

Ms. Jefferson made a motion, seconded by Mr. Rice to deny BZA 4080.23, a request for variances to Sections 1243.10.02 (a)(C), (b)(D) & (c)(H), 1252.06 (b)(1), and 1254.01.03 (c) of the Zoning Ordinance requiring buildings on corner lots to be located at the 5 foot setback for a distance of 20 feet along both street frontages, requiring buildings to be located a maximum distance of 5 feet from the rear line of the parking lot, prohibiting more than 1 row of parking within a front yard, restricting landscape buffers along the front property lines to 8 feet in width and restricting the allowable number of parking spaces for the proposed building and use to 19, to permit the construction of a building that would be located 90.75 feet

from the N. Larch Street front property line, 52.75 from the E. Saginaw Street front property line, and 7 feet from the rear line of the parking lot, and to allow for 2 rows of parking within the N. Larch Street front yard, landscape buffers up to 23.75 feet in width and 59 parking spaces, on a finding that the variances do not comply with the applicable practical difficulty/unnecessary hardship and impact criteria listed in Sections 1274.06(c) 1274.06(e) of the Zoning Ordinance.”

On a roll call vote, the motion to deny BZA 4080.23 was approved 5-1. Mr. Berryman cast the dissenting vote.

V. **OLD BUSINESS** - None

VI. **NEW BUSINESS**

A. **Excused Absence**

Mr. Rice made a motion, seconded by Ms. Jefferson to approve excused absences for B. Fryling, C. Iannuzzi, and J. Leaming. On a voice vote, the motion carried unanimously (6-0).

VII. **APPROVAL OF MINUTES**

A. **Regular Meeting, June 8, 2023**

Ms. Jefferson made a motion, seconded by Mr. Jackson to approve the June 8, 2023, meeting minutes, as presented. On a voice vote, the motion carried unanimously (6-0).

VIII. **PUBLIC COMMENT** - None

IX. **ADJOURNMENT AT 7:15 p.m.**

Respectfully Submitted,

Susan Stachowiak, Zoning Administrator