



Andy Schor
Mayor

LANSING BOARD OF ZONING APPEALS
Regular Meeting
Thursday, August 14, 2025, 6:30 PM
Neighborhood Empowerment Center
600 W Maple Street, Lansing, MI 48906

AGENDA

- I. **ROLL CALL**
- II. **APPROVAL OF AGENDA**
- III. **PUBLIC COMMENT**
- IV. **PUBLIC HEARING/ACTION**
 - A. **BZA-4096.25**, 1901 Comfort Street & adjoining vacant parcel - Variance to the height limitation for a fence in a side yard **1**
 - B. **BZA-4097.25**, 1301/1309 W. Shiawassee Street - Variance to the height limitation for a fence in a front yard **2**
- V. **OLD BUSINESS**
- VII. **NEW BUSINESS**
- VI. **APPROVAL OF MINUTES**
 - A. Regular Meeting, April 10, 2025 **3**
- VIII. **PUBLIC COMMENT**
- IX. **ADJOURNMENT**

FOR SPECIAL ACCOMMODATIONS, PLEASE GIVE 24 HOURS NOTICE PRIOR TO THE MEETING BY CALLING SUSAN STACHOWIAK IN THE PLANNING OFFICE AT 517-483-4085 OR BY DIALING (TTY 711).

GENERAL INFORMATION

APPLICANT/OWNER: Paul Wood & Jeanine Rae Eno
 1901 Comfort Street
 Lansing, MI 48915

REQUESTED ACTION: Variance to permit an 8-foot-high wood privacy fence in the side yard at 1901 Comfort Street, extending across the adjoining vacant parcel to the south, also owned by the applicant

EXISTING LAND USE: Single Family Residential

EXISTING ZONING: "R-2" Suburban Detached Residential

PROPERTY SIZE & SHAPE: Rectangular – 98.5’ x 150’ = 14,775 square feet – both parcels combined

SURROUNDING LAND USE: N: Vacant – Future BWL solar farm
 S: Single family residential
 E: Single family residential & Future BWL solar farm
 W: Industrial

SURROUNDING ZONING: N: IND- Industrial
 S: R-2 Suburban Detached Residential
 E: R-2 Suburban Detached Residential
 W: IND-Industrial

MASTER PLAN DESIGNATION: The Design Lansing Comprehensive Plan designates the subject property for low density residential land use. Comfort Street is designated as a local road.

REQUEST

This is a request to permit the recently erected 8-foot-high, wood, privacy fence in the side yard at 1901 Comfort Street and the adjoining vacant property to its south. Section 1250.04.06(c)(1)(a) of the Zoning Ordinance restricts the height of fences in side and back yards to 6 feet. A variance of 2 feet to the height restriction for a fence in a side yard is therefore being requested.

Permitted	Proposed	Variance
6-foot-high side yard fence	8-foot-high side yard fence	2 feet

PRACTICAL DIFFICULTY/UNNECESSARY HARDSHIP

Sections 1274.06 (c)(1-4) and (e)(1)-(4) of the Zoning Code set forth the criteria and standards which must be used to evaluate a variance request. In short, approval of a variance must be based upon a determination by the Board that:

1. There is a unique feature of the property, such as irregular size, shape or uneven topography, that either prevents compliance with the ordinance or makes it unreasonably difficult; or
2. Denial of the variance would cause unnecessary hardship on the applicant since the result of the variance will not be contrary to the intent and purpose of the ordinance, will not set a negative precedent for future requests to vary the ordinance standard and will have no negative impacts on surrounding properties.

The fence that is the subject of this request has already been erected and extends from the side wall of the house at 1901 Comfort Street to the south property of the adjoining vacant lot, both of which are owned by the applicant. The purpose of the variance is to permit the fence to remain at its current height of 8 feet. If the variance is denied, the applicant will have to reduce the fence to a maximum height of 6 feet.

As depicted in the attached photographs, the applicant's property is lower than the property to the south where the fence terminates. This is a unique feature of the site that warrants relief from the ordinance. The applicant's proposal will not be contrary to the public interest or to the intent and purpose of the ordinance. The intent of the fence height limitation is to provide privacy in a side or back yard while preserving the appearance of residential neighborhoods by not creating a "wall" effect that may not only be unsightly but can cut off views, create shadows, impede the passage of sunlight on adjacent properties and interrupt natural wind patterns. In this case, if the fence were lowered to a height of 6 feet from the ground below, it would diminish the applicant's privacy from their side of the property line. Since the fence is consistent with the intent and purpose of the ordinance, denial of the variance would create an unnecessary hardship on the applicant. Also, since there is a unique feature of the site involving the grade change at the south property line, approval of the variance will not set a negative precedent for future requests to vary the fence height limitation.

IMPACT STANDARDS

The Ordinance also establishes four standards under Section 1274.06 (e) that must be satisfied relating to the impact of the variance on the surrounding properties and general public. These standards and the manner in which they relate to the request are as follows:

1. **The use will be in harmony with the appropriate and orderly development of the surrounding neighborhood.**

The proposed fence will not be disruptive to the appropriate and orderly development of the area. The fence will be setback more than 75 feet from the road; the property is located at the

end of a dead-end street and is surrounded on 3 sides by industrially zoned land. Also, as evidenced by the attached photographs, the grade at which the fence is located on the applicant's property is lower than the grade of the adjoining property to the south. Since the height of the fence extends only slightly above 6 feet from the elevation of the neighbor's property to the south, the fence, as it currently exists, will not be contrary to the intent and purpose of the ordinance as described above.

2. **The use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved.**

The proposed fence is located more than 75 feet from the road and thus, will have no impact on vehicular or pedestrian traffic.

3. **The use will be designed to eliminate a possible nuisance emanating therefrom.**

Not applicable.

4. **The use will not interfere with or discourage the appropriate development and use of adjacent land and structures or unreasonably affect their value.**

Since there is a unique feature of the site involving the grade change at the south property line, approval of the variance will not set a negative precedent for future requests to vary the fence high restriction.

OTHER

If the variance is approved, a building permit will be required as the fence exceeds 6 feet in height. The fence extends across 2 parcels of land, both of which are owned by the applicant. Since a fence is not permitted on an otherwise vacant parcel, they will need to be combined into one parcel of land. This is an administrative process that requires completing a one-page form and submitting it to the Zoning Administrator.

FINDINGS

The information supports a finding that the requested variances are consistent with the variance evaluation criteria set forth in Sections 1274.06 (c) & (e) of the Zoning Ordinance.

This is a request to permit the recently erected 8-foot-high, wood, privacy fence in the side yard at 1901 Comfort Street and the adjoining vacant property to its south. Section 1250.04.06(c)(1)(a) of the Zoning Ordinance restricts the height of fences in side and back yards to 6 feet. A variance of 2 feet to the height restriction for a fence in a side yard is therefore being requested.

RECOMMENDATION

Based on the information and findings described above, the following motion is offered for the Board's consideration:

“I make a motion to approve a variance of 2 feet to the height restriction to permit the existing 8-foot-high wood, privacy fence in the side yard at 1901 Comfort Street and the vacant parcel to its south, with the condition that the 2 parcels are combined into one, on a finding that the variance request satisfies the applicable variance evaluation criteria set forth in Sections 1274.06 (c) & (e) of the Zoning Ordinance. ”

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

July 10, 2025

Good Evening City of Lansing Panel,

We are here today to address the request I have made to keep my fence I built last fall in my side yard. I erected this on the parcel I own since my husband purchased our home with me December 12, 1996 and we moved in February 1st 1997. It is part of our 2 parcel property we were so fortunate to buy.

I was sent a letter on March 24th, 2025 regarding this issue: I was sent a violation letter saying that my fence can only be 6 feet tall and I need to please have the fence on the above referenced property either removed or lowered to a height of six (6) feet or less, prior to the expiration of the compliance date indicated April 7th, 2025.

I was given 15 days to do this, the thing is I was on spring break vacation that month. We left March 14th and drove with our grandkids to Florida for our yearly spring break trip. We did not arrive home until March 28th, 2025. We go every year for 14 days because my husband and I are disabled retired and have the available time to go with our family. My husband is a 100% disabled Veteran and I am a 100% disabled food service worker my whole career. We both are on our Social Security we earned our whole lives.

I reached out to the Author of this letter Mr Evertt Coates immediately and emailed him at the address on the letter. I received a failure to send a response from yahoo saying that the email address was not correct. I did this about 5 more times and after receiving the failure to send notice all 5 times I started attaching this response letter to everyone in your code of compliance office to see who I could get this letter to get too so I don't have any conflict.

I was able to finally reach Mr Coates via phone call and after discussing this and my side of this situation he told me I could reach out to his boss and ask what I may be able to do, since he was not going to let me keep the fence at the height I have. I appreciated that and did so. I reached out to Susan Stachowiak at the code office and she suggested that I request a variance for my fence. I have done so and submitted this packet of information I have put together to ask for it on May 5th, 2025 was D day. I submitted the request with my check for \$450 and patiently waited to hear what might occur.

Well a whole month came and went and the check was never cashed so I was concerned about what was transpiring, I reached out to Susan mid June and she informed me of a personal situation she was going through and was out of the office. She apologized and I told her I understood. I then received the postcard in the mail to have my PUBLIC HEARING to hear if I can state my case for good reasoning to keep the height I have.

I have lived here at this house for over 29 years, we have raised two (2) sons living at this home and now I am raising my grandchildren here. I have asked to have a fence built for literally 29 years. We have never really used our back yard because if we are out front you can't see who can come in the side of our house. I finally after all the years there were able to afford a pool, we have wanted this for many years. We were finally able to get this last fall when we decided we needed a fence to put up so you cannot see us while swimming back there. So we decided it was finally time to put the fence up, it really isn't a complete fence, more of a wall across the yard so you cannot see us while we swim. I have a camera out in front of my house and even though there are only 11 houses all the way down our dirt road there is more traffic then probably on Willow at the corner. I record over 60 cars a day driving down my corner. I sit in my living room watching them everyday. I don't understand what they're doing? They don't live down that road. I watch them drive almost into my driveway to get around the dead end since that is my property out in front of my home. And the street is in such disarray that it's not a convenient route to take. I watch people go down to the woods behind my home hurdling over the NO TRESPASSING SIGNS everywhere on a regular basis doing God knows what down at the PRIVATE PROPERTY of BWL that surrounds my home. I watch the Homeless people bring their junk up from their homes in the woods that know one wants to do anything about. I have over 4 families of homeless living in my woods. And I watch the City of Lansing recycling short truck every monday pull up down the road there and next to the tree out front he pee's. EVERY MONDAY. I see that because I am on my treadmill everyday in front of my living room window and watch that take place alot.

So, I have one reason that I want to address this fence being this height, it is this:

In the 29 years we have lived here raising our kids I never used to let my sons play with the surrounding neighbor kids because I didn't want them where I couldn't see them. I allowed them to hang out with 2 neighborhood boys, Derek at 1507 Muskegon Ave, he lived there with his grandma and grandpa and Uncle Doug and Mom and there was Raymond. He lived at the stop sign in the yellow house . Well, one Thursday in 2004 my son Joseph was 14 and down there playing on the trampoline in Dereks backyard. My husband was getting ready for work and I had to go get my other son from Football practice at Waverly Middle school. I came home and I thought Joseph was still down at the neighbor's house. Justin, my other son went down to get him and he came back and said my son was gone. I went down and asked Kathy Derek's mom where my son was?? She said he took off when I had left. OK, so we started driving around the neighborhood. Now I didn't let him hang out in our neighborhood so I had know idea where he was. It got later, NO child. I called the police. They came, they took my information. They said I had to wait til at least morning before I could file any report since he could come home. That came and went. Still we looked everywhere. So, then a Detective came and it's over 28 hours now.

The Detective started questioning the house he was last seen at and asked Derek's Mom and grandparents what they knew? They tried to say Joseph was unhappy and took off down the dirt road once I had left the house. Now the Detectives said they could basically give me a card but there isn't a lot in the early 2000's you did for a teenage boy who left home. So, I started searching my woods behind the house because the last place my son was seen was on their trampoline in their backyard. I thought he might have fallen and broke his neck and they were afraid to tell us because they didn't want to get in trouble. Now we are 3 days in and still no child. Now the Detective was more concerned and went back to Derek's house and questioned everyone more and started running everyone's ID in the home and Low and behold we found out Doug the FAVORITE UNCLE is a registered sex offender and didn't disclose that upon first speaking with the police. He is still currently registered and still lives down the dirt road. Well, now it's going on 4 days of no child still and out of the blue I got a phone call from Kathy Derek's Mom told me that Joseph was walking down 27 by Nip and Sip and Doug was trying to get him in his car to bring him home but he wouldn't get inside. My husband went and got him.

After a lengthy discussion with the police and the Detective he finally admitted, Uncle Doug the neighbor took him to The Appex Motel on 27. He took him there with the pretense that he had been robbed of money by this guy he new in Ohio and wanted my son to go with him there to confront him and he told my son he could kill him and he'd rob him of all his money at the home and my son wouldn't get in trouble. My son told the police after he told Doug he didn't want to do this he became very mad and he left him in there to figure out a new plan. I think he was going to take him across state lines and sell my child. But nonetheless. My son was home and it was Doug and Kathy Derek's mom who did it. Now move ahead to 2025 Doug still lives at his moms house the same house. I have to watch him walk by every day to go to the party store and buy his booze and cigarettes. If there is one thing I know it's that he does this everyday and I have to watch it. I have to watch the guy who stole my child and kept him in a hotel for 4 days until the heat was too much from the police and he let him go. My husband does everything he can everyday not to confront this man. He is dangerous and I don't like him walking past our home while we are out there swimming so he can see our young kids in the pool and then go home and drink his booze. I feel unsafe with him in my neighborhood. This is the main reason this fence is the height it is. Because if we cut it down 2 feet he can see everything in our pool going on.

For my peace of mind and my families I am begging this panel to please look at all the logistics of this situation. It is for my family's safety and well being. From the cars driving by to the homeless people, the registered sex offenders in my area. I don't want them seeing my family in our pool. It's only used 3 months out of the whole year to enjoy. Please let me keep my fence the height I have. I am begging for the privacy we built it for. I would like to finally use my backyard.

This is all I can say about why I would like to keep my fence this height. I am begging you guys to understand my trauma. I deal with daily living by that family and knowing my grandkids safety is at risk. I do not feel safe knowing that you can see us in our pool any time you want to drive past our house when you don't even live in our neighborhood.

Sincerely yours,
Jeanine Eno & Paul Wood

P.S. my husband suffers from PTSD he did not attend because we were all nervous Doug's Family would show up for this hearing and he cannot control his anger if he is in the same room with those people. They drive by our house all of them spilling around the dead end throwing rocks in our yard and driveway all the time. They like to taunt us in our household.

May 5, 2025

To Whom It May Concern:

We live beside Jeanine & Paul Wood on Comfort Street since the day they moved in (1997). We have a cordial neighborly relationship.

Jeanine and Paul approached us late last summer about building an 8 foot fence in their yard to obstruct the view from the road of their above ground pool and their side door. We appreciated them reaching out and replied that we were fine with the fence.

We have been very satisfied with the fence. We believe it improves the appeal of their property, and it provides the privacy they are looking for. It would be a shame for them to remove it and/or lower it.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan & Kim Pringle". The signature is written in a cursive style with a large, stylized initial "D" and "K".

Dan & Kim Pringle

May 5, 2025

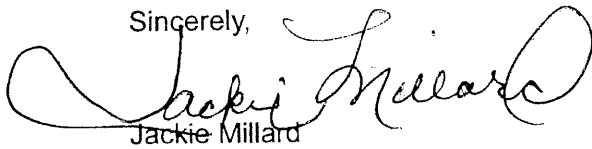
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Sincerely,

A handwritten signature in cursive script that reads "Jackie Millard". The signature is fluid and elegant, with a large initial "J" and a long, sweeping underline that extends across the name.

Jackie Millard

May 5th, 2025

Parcel #33-01-01-08-126-221 &
Parcel # 33-01-01-05-351-011

Dear Zoning Board of Appeals:

I am writing to request a Variance for a single-family house which is located at 1901 Comfort Street, Lansing, Michigan 48915. No fences or hedge within a side yard shall exceed six feet in height but may be permitted to a maximum height of eight feet, if all of the following requirements can be met. I am asking that the height of my fence be kept at the (8) eight foot height for the reasons in my letter.

1250.04.06(c)(2)(a)

Limitations (C)

Side and rear yard (2)

a. No fence or hedge within a side yard or rear yard shall exceed six feet in height but may be permitted to a maximum height of eight feet, if all of the following requirements can be met:

1. The property is zoned for commercial or industrial land use, or in the case of properties zoned for residential or office uses, the abutting property is zoned for commercial or industrial land use.
2. The topography of the subject is generally one or more feet lower than the abutting property, or the health or safety of the owner or occupant of the subject property is endangered by uses of the abutting property.
3. The fence is approved by the Zoning Administrator.

I am writing in response to a letter my husband and I received dated 03/24/2025 in this letter stating, **Please be advised that the above-referenced property contains the following zoning violation(s) as set forth in the City of Lansing Zoning Ordinance:**

Section 1250.04.06(c)(2)(a): "No fence or hedge within a side yard or rear yard shall exceed six (6) feet in height."

INSPECTOR COMMENTS:

Please have the fence on the above-referenced property either removed or lowered to a height of six (6) feet or less, prior to the expiration of the compliance date indicated above.

Compliance due date is 04/05/2025.

Upon receiving this letter I reached out to the Compliance officer Everett Coates and after some discussion, he directed me to his boss Susan Stachowiak, Zoning Administrator of the Economic and Development & Planning of Lansing. She guided me to submit my request for a Variance. I am requesting a variance because our parcel is unique. Our single-family home sits on a double lot at the dead end of Comfort Street and Muskegon Avenue. I have 2 separate parcel numbers for my side yard which is where the fence has been built.

The legal description of my home is as follows (**parcel #33-01-01-05-351-011**):

COM 40 R W of S 1/4 POST SEC 5, TH N 50 FT, W 183 FT, S 50 FT, E 183 FT TO BEG; SEC 5 T4N R2W.

In addition, I have an attached side yard that is also my property and the legal description of that is as follows (**parcel #33-01-01-08-126-221**):

COM NE COR LOT 35, TH S 48.5 FT, W 150 FT, N 48.5 FT, E 150 FT TO BEG, ASSESSORS PLAT NO 11.

My property is unique because I am on the dead end; behind me is the Lansing Board of Water and Light property that abuts up to half of my backyard and the other half has the factory Cameron Tool and Die off of Bassett Ave that has a chain link fence around their property line and splits the back woods behind our home in property ownership. We moved here in 1997. We have raised two sons in this home and now I am the Custodial Guardian for two of my grandchildren. I have had them since 2018. I have wanted a fence in my side yard since we moved into this property. I have never liked the idea of my back door facing the south side of the property of my house and being able to walk into my home from our road if we were not there. I bring that up because it has happened. It makes that entrance unusable because when we're out front in the driveway watching the grand kids playing basketball you can't see that side of the house.

In addition, we installed an above ground pool in our backyard, and the 8 foot fence is needed to provide privacy and obstruct the view from the road of my family enjoying the pool. If we were to comply with the code, which is 6 feet in height, we lose that privacy; it would make it practically difficult for us to use our property in a reasonable and safe manner. My husband will be using the pool for his physical therapy routine he is about to start. He is having his left foot surgically repaired from his military injury in 1989. He is a 100% disabled Veteran.

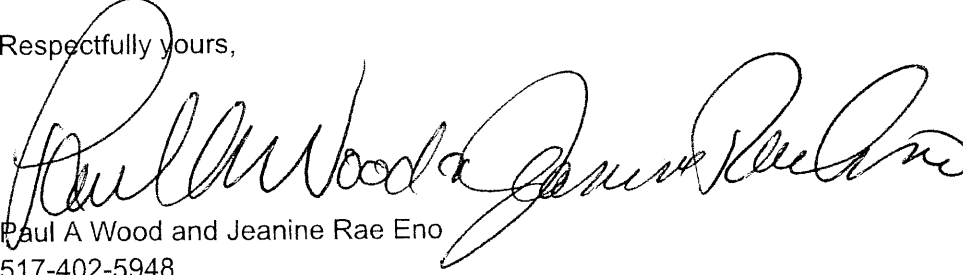
I have spoken with our next door neighbors, Dan and Kim Pringle. They love our new fence and think it has really made our whole property look beautiful. They were especially supportive of this addition, and I have included a letter of support from them and my neighbor across the road Jackie Millard. have included both of those letters of support in my submission. We have all lived by one another since 1997. I made sure it was something we addressed before constructing this addition to our property. They were all very supportive.

It was suggested by Susan Stachowiak, Zoning Administrator of the Economic and Development & Planning of Lansing, that we combine our parcels into one, which we are open to doing in support of this request.

Our fence is 75 feet away from the dirt portion of Comfort Street. It does not block the view of the corner. Left out of the letter we received from Everett Coates was the three criteria to be met to allow the fence to remain at its current height. I would assert that we meet two of these criteria with our property being surrounded by the Board of Water and Light and the factory. In the photos I have submitted you can see the neighbor's property is higher than our property. I would request approval of a variance by the Zoning Administrator.

I would happily provide any additional information needed to approve my request.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Paul A Wood and Jeanine Rae Eno". The signature is fluid and cursive, with the names written in a single line.

Paul A Wood and Jeanine Rae Eno
517-402-5948

Enclosures

A check for \$450.00

Five (5) photos of the fence from various angles and both sides

Two (2) parcel descriptions of my property

Two (2) letters from neighbors

City of Lansing Petition Board of Zoning Appeals

Code Compliance Violation letter



CITY OF LANSING - PLANNING OFFICE
PETITION
BOARD OF ZONING APPEALS

Reset Form

Print Form

FILE NUMBER: BZA-
DATE SUBMITTED: May 5th, 2025

A request is hereby made to vary the requirements of the Zoning and / or Sign Ordinance.

Street Address (include zip code): 1901 Comfort street, Lansing Michigan 48915

Legal Description: COM NE COR LOT 35, TH S 48.5 FT, W 150 FT, E 150 FT TO BEG: ASSESSORS PLAT NO. 11 & COM 40 R W of S 1/4 POST SEC 5, TH N 50 FT, W 183 FT, S 50 FT, E 183 FT TO BEG; SEC 5 T4N R2W

Applicant Name: Paul A Wood and Jeanine Rae Eno

Address (include zip code): 1901 Comfort street, Lansing, MI 48915

Phone Number: 517-402-5948

Owner Name: Paul A Wood

Owner Address (include zip code): 1901 Comfort street, Lansing, MI 48915

Owner Phone: 517-402-5948

Interest in Property (please check one)

- Option to buy, Owner, Lease, Represent Owner, Other (please specify) Keep my fence on my yard the height we have it built at

Zoning of the property: A-1 RES Lot dimensions: 48.5 x 150.0 Is this property in the flood plain? Yes No

Is this property residential? Yes No

of Efficiency Units: # of 1 Bedroom Units: # of 2 Bedroom Units: # of 3 Bedroom Units:

Total # of Units: Total # of Bedrooms: # of accessible on-site parking spaces:

Is this property non-residential? Yes No

of employees (largest shift): # of accessible on-site parking spaces:

Hours and days / week of operation:

Describe or explain your proposal for this property:

attach a separate sheet if more space is necessary

See attachments

Section # with which this proposal is in conflict: 1250.04.06(c)(2)(a)

If this petition is not granted, explain how your proposal will be affected:

attach a separate sheet if more space is necessary

See attached paperwork

Items to be submitted with the petition:

- 1 A site plan drawn to a scale of at least 1" = 100' showing the location of all structures, existing and proposed, in relation to the lot lines and access points.
- 2 Flood plain information where applicable.
- 3 Non-refundable fee for processing (5/6/24)

FEES:

Consolidated Rate: \$450.00

A zoning variance means a modification of the strict letter of the zoning or sign codes, being title six and chapter 1442 respectively, of the City of Lansing, granted when, by reason of exceptional conditions, the strict application of the provisions of this chapter result in peculiar or exceptional practical difficulties or unnecessary hardship to the owner of the lot.

Please file this petition with the Planning Office.

Signature of applicant:

Name: Paul A. Wood/Jeanine Rae Eno

05/05/2025

For assistance, please contact:

PLANNING OFFICE
316 N. CAPITOL AVE., SUITE D-1
LANSING, MI 48933-1236
(517) 483-4066

Department of Economic
Development and Planning



Andy Schor, Mayor

Planning and Zoning Office
316 N. Capitol Avenue, Suite D-1
Lansing, Michigan 48933
PH: 517.483.4066
www.lansingmi.gov

Violation Correction Notice

**WOOD PAUL A or Current Occupant
1901 COMFORT ST
LANSING, MI 48915-1514**

**Violation Date: 03/24/2025
Violation Location: COMFORT ST
Parcel #: 33-01-01-08-126-221
Compliance Due Date: 04/07/2025**

Please be advised that the above-referenced property contains the following zoning violation(s) as set forth in the City of Lansing Zoning Ordinance:

X Section 1250.04.06(c)(2)(a): "No fence or hedge within a side yard or rear yard shall exceed six (6) feet in height."

INSPECTOR COMMENTS:

Please have the fence on the above-referenced property either removed or lowered to a height of six (6) feet or less, prior to expiration of the compliance date indicated above.

INSPECTOR COMMENTS: Fence in side yard is over 6 feet in height.

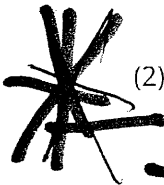
If you have any questions, please do not hesitate to contact me at (517) 483 7621, Monday – Friday, between the hours of 8:00 AM - 9:00 AM or by email Monday – Friday, between the hours of 8:00 AM - 4:30 PM at Everett.Coates@lansingmi.gov.

Officer: Everett Coates

The hedge does not obstruct the vision of motorists and complies with paragraphs (1)(b) and (1)(c) hereof.

4. All abutting property owners submit a written statement that they do not object to the plan.

5. The plan is approved by the Zoning Administrator.



(2) *Side and rear yard.*

a. No fence or hedge within a side yard or rear yard shall exceed six feet in height but may be permitted to a maximum height of eight feet, if all of the following requirements can be met:

- 1. The property is zoned for commercial or industrial land use, or in the case of properties zoned for residential or office uses, the abutting property is zoned for commercial or industrial land use.
- 2. The topography of the subject property is generally one or more feet lower than the abutting property, or the health or safety of the owner or occupant of the subject property is endangered by uses of the abutting property.
- 3. The fence is approved by the Zoning Administrator.

(3) *Grade level.*

- a. The grade shall not be increased or altered for the purpose of constructing the fence at a higher level than the natural grade level at the fence line.
- b. The fence may be erected at a continuous even level where the grade at the fence line is uneven, as long as it follows the average natural grade upon which it is being erected.

(d) *Materials.*

- (1) Fences shall be constructed of one or more of the following materials: Chain-link, wood, brick, poured concrete, wrought-iron, vinyl or similar material that is approved by the Zoning Administrator.
- (2) Barbed wire on fences may be utilized only upon the written request of the applicant and written approval by the Zoning Administrator. Approval of such request shall be based on demonstrated need, safety and reasonableness. Under no circumstances will any fence six feet in height or less, or within 30 feet from a neighboring parcel of land which is being used residentially, be permitted to use barbed wire. Barbed wire shall not extend more than three vertical feet above the top of the fence.
- (3) No fence shall contain razor wire, concertina wire or similar type of wire, or carry any electrical current.
- (4) Berms. If earth berms are to be constructed, they shall have a maximum slope of 3:1 and shall be sodded or seeded or utilize other ground cover. Berm height, width, location and materials must be approved by the Department.

1250.04.06 - Fences and hedges.

(a) *Purpose; application.* In order to protect the use and enjoyment of properties by providing for the passage of air and light; to protect the public welfare and safety by providing for the safe movement of motor vehicles and pedestrians; and to facilitate efficient police and fire-fighting services, no person shall erect, construct, modify, maintain, plant or grow any fence, hedge, tree, shrub, plant or vine or cause or permit the same to be done in violation of this chapter.

(b) *Definitions.*

As used in this chapter:

Safety hazard means any fence which is not in conformity with this section.

1250.04.06
(c)(2)(a)
per their letter

(c) *Limitations.*

X

(1) *Front yard.*

- a. No fence or hedge shall exceed a height of three feet within a front yard.
- b. In front yard corner lots, an unobstructed clear vision corner shall be maintained as specified in Section 1250.03.03.
- c. For driveways not on a corner, a clear vision area shall be maintained as specified in Section 1250.03.03(b).
- d. A fence within the front yard may be erected or maintained to a height above three feet, but not to exceed a height of four feet; if the fence meets all of the following requirements:
 - 1. The fence consists of at least 50 percent of open spaces uniformly distributed along its surface above a height of three feet.
 - 2. Vision through the fence is not materially obstructed from any angle so as to obstruct the view of vehicular traffic on adjacent streets or public ways or of pedestrian traffic on adjacent sidewalks.
- e. Chain-link, wire, cyclone or similar fences are prohibited in front yards in all non-industrial zoning districts.
- f. A hedge within a front yard may be planted, grown or maintained to a height above three feet if the hedge meets all of the following requirements:
 - 1. The property owner prepares and submits to the Zoning Administrator a written plan which complies with the requirements for landscaping, screening and buffering plans as set forth in this section.
 - 2. The abutting road is not a local street as defined the Comprehensive Plan, or the abutting property is used for industrial purposes.
 - 3.



Approximate fence location

1901

0

1823



Future site of BWL
Solar Array Farm

Industrial Use

2102 2110 2028 2018

1820 2025

1710 1620

1800 1818

1901
0
1825

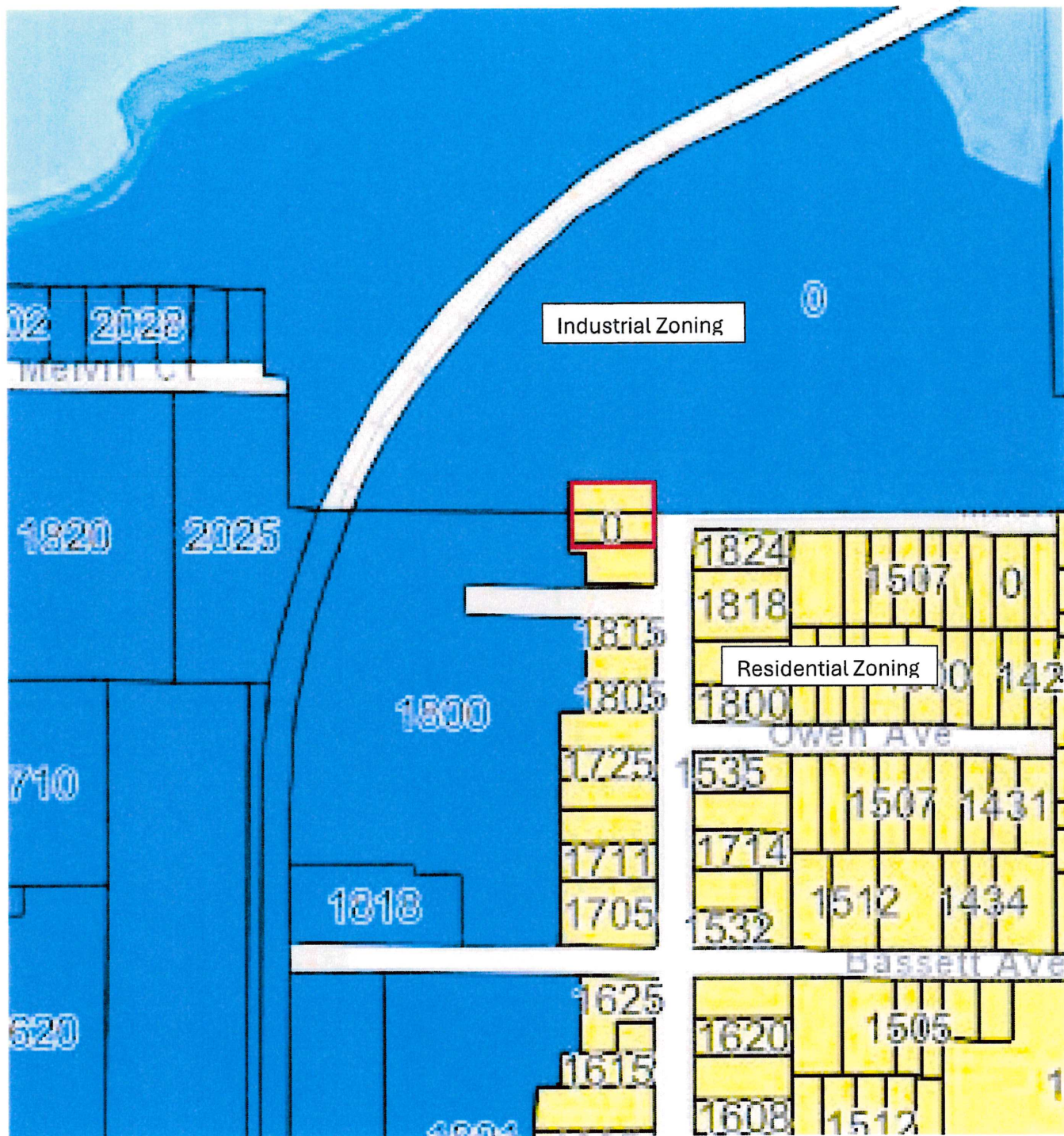
1815
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1518 1808 1522 1514 1500 1438
1600

1535 1720 1521 1507 1439 1431
1714 1708 1512 1504 1434
1532

1626 1519 1503 1439
1620 1614





- The angle
of my neighbors
yard next to ours
showing the hole
on the side of
their yard
leading into
our yard



— The Road in front of our house
Must begin here

Pool

From: g9nine_2000 (g9nine_2000@yahoo.com)

To: g9nine_2000@yahoo.com

Date: Sunday, May 4, 2025 at 08:57 AM EDT



Yahoo Mail: [Search](#), [Organize](#), [Conquer](#)

*The Dead
End
Surrounding
my home-owned
By-BWL.
NO TRESPASSING
POSTED
EVERYWHERE*

Height of the fence

From: g9nine_2000 (g9nine_2000@yahoo.com)

To: g9nine_2000@yahoo.com

Date: Sunday, May 4, 2025 at 11:44 AM EDT



Yahoo Mail: Search, Organize, Conquer

*Showing
Height of
Pool w/
the height the
fence is at.*



*The corner
turning to
drive south
down Comfort*

GENERAL INFORMATION

APPLICANT: Jean Dukarski
1301 W. Shiawassee.
Lansing, MI 48916

REQUESTED ACTION: Variance to permit a 4-foot-high privacy fence in the front at 1309 W. Shiawassee Street.

EXISTING LAND USE: Single Family Residential

EXISTING ZONING: "R-2" Residential District

PROPOSED ZONING: No change

PROPERTY SIZE & SHAPE: Rectangular Shape – 74' x 93.75' = 6,843 square feet

SURROUNDING LAND USE: N: Single Family Residential
S: Single Family Residential
E: Single Family Residential
W: Single Family Residential

SURROUNDING ZONING: N: "R-1" Residential District
S: "R-2" Residential District
E: "R-2" Residential District
W: "R-2" Residential District

MASTER PLAN DESIGNATION: The Design Lansing Comprehensive Plan designates the subject property for low-medium density residential development. W. Shiawassee is designated as a local road.

REQUEST

This is a request to permit a 4-foot-high solid fence in the front yard at 1309 W. Shiawassee Street front yard. Section 1250.04.06(c)(1)(a) of the Zoning Ordinance restricts the height of solid fences in front yards to 3 feet. A variance of 1 foot to the fence height restriction is therefore being requested.

The applicant lives at 1301 W. Shiawassee Street and owns the adjoining vacant parcel to the west at 1309 W. Shiawassee Street. The proposed fence would extend from the northwest corner of the house at 1301, northwesterly onto 1309 to a point 6.5 feet from the public sidewalk, thence west to the west property line of 1309. This is illustrated on the attached site plan that was prepared by the applicant. Since there cannot be a fence on a vacant residential parcel of land, the two parcels will have to be combined into one parcel before there can be a fence of any height at 1309 W. Shiawassee Street.

Permitted	Requested	Variance
3-foot-high solid front yard fence	4-foot-high front yard fence	1 foot

ANALYSIS

Sections 1244.06 (c)(1-4) and (e)(1-4) of the Zoning Code sets forth the following criteria for evaluating a variance request:

- Does a practical difficulty or unnecessary hardship exist?
- Is the location, size and character in harmony with surrounding uses?
- Will the request impact on vehicular and pedestrian traffic?
- Will a precedent regarding future land use patterns be set as a result of the request?

The basis for the applicant's request is to provide safety for young children to play in the yard. Given the nature of this request, the issue of whether there is a "practical difficulty" associated with the property that prevents compliance with the ordinance or makes it unreasonable difficult is not applicable. For the variance to be approved in this case, the Board must find that the fence would be consistent with the intent of the ordinance and therefore, denial of the variance would cause an unnecessary hardship on the applicant. In other words, a finding that the variance would not set a negative precedent for future requests of a similar nature since it is based upon unique circumstances that preserve the intent of the ordinance standard

Practical Difficulty/Unnecessary Hardship Criteria

Several criteria are described in Section 1244.06 (c) for the Board to consider in determining the adequacy of a practical difficulty or unnecessary hardship:

1. The hardship results from the application of this Zoning Code to his or her lot, rather than from some other factor.
2. The hardship is not the result of his or her own actions.
3. The hardship is peculiar to the lot of the applicant.
4. If the owner of the lot complies with this Zoning Code, he or she can secure no reasonable return from, or make no reasonable use of, his or her property.

With respect to the first criterion, the request is directly related to the ordinance regulating the height of fences in front yards. Regardless of the height, the 2 parcels (1301 & 1309 W. Shiawassee Street) will need to be combined in order for there to be a fence of any height on the parcel that is currently vacant at 1309 W. Shiawassee Street. This is necessary so that there is a house on the property that establishes the front yard, which is the area between the walls of the house and the property lines along both streets. Within a front yard, a fence cannot exceed 3 feet in height or 4 feet if at least the part of the fence above 3 feet is at least 50% visually open. No part of the proposed fence would be visually open.

The second criterion relates to whether the practical difficulty or unnecessary hardship is not the result of an action by the property owner. There is no practical difficulty associated with the property that sets it apart from any other request to increase the height of a fence in a front yard. Furthermore, allowing a 4-foot-high solid fence in a front yard would be completely contrary to the intent of the ordinance which is to preserve the appearance of the streetscape and to prevent vision obstructions. In the absence of any unique circumstances associated with the subject property that warrant relief from the ordinance, approval of the variance will set a negative precedent for similar requests in the future. The City's Ordinance restricting the height of fences in both front yards of a corner lot is a very common municipal zoning ordinance restriction, particularly in urban and suburban areas. Furthermore, the applicant can erect a 4-foot-high fence in the front yard as long as the fence or at least the top foot thereof, is at least 50% visually open. This is intended to allow for additional security while protecting against vision obstructions for motorists in the area.

The third criterion relates to whether there is something unique about the property in question that warrants relief from a particular ordinance provision. In other words, if there are exceptional conditions relating to the site that distinguish it from most other properties that are subject to the same restrictions. By assuring that the request is adequate to differentiate it from a claim that could be made by most other property owners, the intent of the ordinance standard is preserved. In this case, there is nothing unique about the subject property that sets it apart from any other property that may be the subject of a request to vary the fence height limitation. The subject property is a typical size, is not irregularly shaped and there is no uneven topography or other physical feature that makes it unique in comparison to any other lot in the City. Since the uniqueness criterion cannot be satisfied in this case, approval of the requested variance would set a negative precedent for future requests of a similar nature.

The other consideration relates to whether there is a viable use of the property without the variance. This standard is typically applied to use variances, however, which require a much higher threshold than a 'dimensional' variance such as this one.

IMPACT STANDARDS

The Ordinance also establishes four standards under Section 1244.06 (e) that must be satisfied relating to the impact of the variance on the surrounding properties and general public. These standards and the manner in which they relate to the request are as follows:

1. **The use will be in harmony with the appropriate and orderly development of the surrounding neighborhood.**

The proposed privacy fence will not be harmonious with the appropriate and orderly development of the area. One of the primary reasons for limiting the height of fences in front yards is to preserve the appearance of the streetscape from being interrupted or walled off by fences. The proposed fence will be contrary to this intent as it will create a "wall" effect that will negatively impact the appearance of the area in which it is located. Furthermore, since there is nothing unique about the subject property to warrant relief from the ordinance, approval of the requested variance could set a negative precedent for future requests to vary the height limitation for front yard fences, not just in the vicinity of the subject property but throughout the City in general.

2. **The use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved.**

The primary reason for limiting the height of fences in front yards is to maintain clear visions for motorists turning at street intersections and exiting driveways. In this case, the fence would be located far enough to the west that should not obstruct vision at the W. Shiawassee/Carey Street intersection. There is, however, a driveway immediately west of 1309 W. Shiawassee and the proposed fence would impact vision for motorists exiting that driveway which could cause a significant safety issue, since it will limit the driver's ability to see pedestrian/nonmotorized traffic on the sidewalk when backing out of the driveway.

3. **The use will be designed to eliminate a possible nuisance emanating there from.**

The proposed variance will not generate any nuisances.

4. **The use will not interfere with or discourage the appropriate development and use of adjacent land and structures or unreasonably affect their value.**

Not applicable as the request is not related to the "use" of the subject property.

FINDINGS

This is a request to permit a 4-foot-high solid fence in the front yard at 1309 W. Shiawassee Street front yard. Section 1250.04.06(c)(1)(a) of the Zoning Ordinance restricts the height of solid fences in front yards to 3 feet. A variance of 1 foot to the fence height restriction is therefore being requested.

The available information supports a finding that the request is not consistent with the applicable variance evaluation criteria set forth in Sections 1244.06 (c) & (e) of the Zoning Ordinance.

RECOMMENDATION

Based on the information and findings described above, the following motion is offered for the Board's consideration:

"I make a motion to deny the request for a variance to allow a 4-foot-high privacy in the front yard at 1301 & 1309 W. Shiawassee Street, based on the findings detailed in the staff report."

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

Reset Form

Print Form

CITY OF LANSING - PLANNING OFFICE

PETITION

BOARD OF ZONING APPEALS



RECEIVED JUN 27 2025 COMM DEV OFFICE

FILE NUMBER: BZA- _____

DATE SUBMITTED: 06/27/2025

A request is hereby made to vary the requirements of the Zoning and / or Sign Ordinance.

Street Address (include zip code): 1309 W. Shiawassee 48915

Legal Description: LOTS 100 & 101 STANDARD REAL ESTATE COS WESTMORELAND ADD

Applicant Name: Jean Dukarski

Address (include zip code): 1301 W. Shiawassee 48915

Phone Number: 517-775-1331

Owner Name: Jean Dukarski & Kathryn Leacock

Owner Address (include zip code): 1301 W. Shiawassee 48915

Owner Phone: 517-775-1331

Interest in Property (please check one)

- Option to buy, Owner (checked), Leasee, Represent Owner, Other (please specify)

Zoning of the property: R-2 Lot dimensions: 74 x 94

Is this property in the flood plain?

- Yes, No (checked)

Is this property residential? Yes (checked) No

of Efficiency Units, # of 1 Bedroom Units, # of 2 Bedroom Units, # of 3 Bedroom Units

Total # of Units, Total # of Bedrooms, # of accessible on-site parking spaces

Is this property non-residential? Yes, No (checked)

of employees (largest shift), # of accessible on-site parking spaces

Hours and days / week of operation:

Describe or explain your proposal for this property:

attach a separate sheet if more space is necessary

We request approval for a 4 foot solid fence set back 6.5 feet from the sidewalk. The corner of the fence begins 60 feet from the corner and does obstruct site lines from the intersection. (see attached photo)

Section # with which this proposal is in conflict: 1250.04.06

If this petition is not granted, explain how your proposal will be affected:

attach a separate sheet if more space is necessary

We acquired this property to create an expanded yard for our grandchildren to play. We provide childcare for our grandchildren who are 11, 7, and 3 years old. A 3-foot fence is insufficient to safely contain young children. Our 3-year-old grandchild has special needs, does not speak, and would be unable to communicate his identity or origin if he were to leave the yard. Furthermore, traffic on Shiawassee Street frequently exceeds the speed limit. We have observed our older grandchildren chasing balls into the street, posing significant danger from speeding vehicles.

Items to be submitted with the petition:

- 1 A site plan drawn to a scale of at least 1" = 100' showing the location of all structures, existing and proposed, in relation to the lot lines and access points.
- 2 Flood plain information where applicable.
- 3 Non-refundable fee for processing (5/6/24)

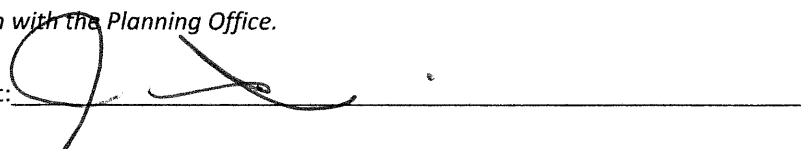
FEES:

Consolidated Rate: \$450.00

A zoning variance means a modification of the strict letter of the zoning or sign codes, being title six and chapter 1442 respectively, of the City of Lansing, granted when, by reason of exceptional conditions, the strict application of the provisions of this chapter result in peculiar or exceptional practical difficulties or unnecessary hardship to the owner of the lot.

Please file this petition with the Planning Office.

Signature of applicant:



Name: Jean Dukarski

For assistance, please contact:

PLANNING OFFICE
316 N. CAPITOL AVE., SUITE D-1
LANSING, MI 48933-1236
(517) 483-4066

Stachowiak, Susan

From: Ted O'Dell <todell8@gmail.com>
Sent: Friday, August 8, 2025 9:19 AM
To: Stachowiak, Susan
Subject: [EXTERNAL] Fence at 1309 W. Shiawassee Street

Hello:

RE: Requested fencing variance at 1309 W. Shiawassee Street, Lansing, Michigan.

I am writing to voice my opposition to the requested fence variance at the above property.

As a longtime planning commissioner in other Michigan municipalities, and current member of the city Planning Commission, I believe it is important to adhere to the existing and established city code regarding fencing. Simply stated, without a uniform code regulating fencing in the city, neighborhoods would become a mishmash of unregulated fencing materials and varying heights. Ultimately resulting in blighted neighborhoods.

I am requesting the members of the Lansing Board of Zoning Appeals **vote NO** on the requested variance.

With every best wish,

Ted O'Dell, Member
City of Lansing Planning Commission
1310 W Shiawassee St, Lansing, MI 48915

THINK BIG, BE BOLD, DO IT NOW!

(248) 302-0073 - call/text

Legal Notice: This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to which they are addressed unless otherwise instructed. If you have received this email in error please notify me by clicking your "reply" button. To be removed from this email list please reply to this communication with the word "REMOVE". Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of others. Finally, the recipient should check this email and any attachments for the presence of viruses. The sender accepts no liability for any damage caused by any virus transmitted.



W. Shiawasse St

Photo from the intersection of Carey and W. Shiawasse looking west.





Google

**MINUTES OF REGULAR MEETING - DRAFT
BOARD OF ZONING APPEALS
Thursday, July 10, 2025, 6:30 P.M.
600 W. Maple Street, Lansing MI**

A quorum was not present

I. ROLL CALL

The meeting was called to order by Chairperson Alling at 6:34 p.m.

Present: M. Alling, H. Lowry, & M. Jackson

Absent: K. Berryman, B. Fryling, C. Iannuzzi, M. Rice

Staff: S. Stachowiak

A quorum of at least four members was not present, so voting action could not be taken at the meeting.

II APPROVAL OF AGENDA

III. PUBLIC COMMENT – None

IV. PUBLIC HEARING/ACTION

A. BZA-4096.25, 1901 Comfort Street & adjoining vacant parcel - Variance to the height limitation for a fence in a side yard.

Mr. Fedewa stated that this is a request for an eight-foot tall privacy fence in the side yard at 1901 Comfort St. and extending across the adjoining vacant parcel to the south, which is owned by the applicant. Privacy fences are limited to six-feet in height, on single-family residential properties, except where abutting a commercial or industrial used property. The eight-foot fence has been installed and was issued a zoning violation.

Mr. Fedewa stated that the property has uneven topography compared to an adjacent property, sitting somewhere between one to two feet lower than the neighbor. This difference does cause a privacy concern. According to the applicant the neighbor does not object to the higher fence.

Staff supports the approval of the variance because of the topography difference and because an eight-foot fence is permitted along the north and west property lines. Staff does not believe approving the variance will set a negative precedent.

Mr. Lowry asked if Section 1250.04.06 (c)(2)a.1. and 1250.04.06 (c)(2)a.2. is explicit about a side or rear yard fence being erected at the property line. Mr. Fedewa stated that the language is not explicit and that the fence parallel to the front building wall is in the side yard and it could be interpreted that this fence would meet that zoning ordinance exception.

Mr. Jackson asked if the fence is up to the south property line. Mr. Fedewa answered that the fence crosses the vacant property lines and connects to the neighbor to the south, but it does not currently run along the south property line. The properties owned by the applicant should be combined so that the fence does not cross over property lines.

Mr. Jackson asked if a variance would be required at the south property line. Mr. Fedewa stated that it is his understanding that since the adjacent property is residential, a variance would also be required, but the Board could discuss making that part of the eventual motion, preempting the need to come back to the Board. Mr. Fedewa explained the lot combination process and stated that the lots could be split in the future if the owner so wished.

Ms. Alling opened the public hearing.

Ms. Jeanine Eno, applicant, spoke briefly on the history of their building of the fence and their need due to the grade difference. Ms. Eno submitted a letter to the Board further outlining her request and other background information.

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

- V. **OLD BUSINESS** – None
- VI. **NEW BUSINESS** – None
- VII. **APPROVAL OF MINUTES** – None
- VIII. **PUBLIC COMMENT** - None
- IX. **ADJOURNMENT AT 6:50 p.m.**

Respectfully Submitted,

Susan Stachowiak, Zoning Administrator

**MINUTES OF REGULAR MEETING
BOARD OF ZONING APPEALS
Thursday, April 10, 2025, 6:30 P.M.
600 W. Maple Street, Lansing MI**

I. ROLL CALL

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

Present: M. Alling, K. Berryman, B. Fryling, C. Iannuzzi, H. Lowry, M. Jackson, M. Rice & E. Jefferson

Absent: None

Staff: S. Stachowiak

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. Iannuzzi, seconded by Mr. Lowry to approve the agenda as printed. On a voice vote, the motion carried unanimously (8-0).

III. PUBLIC COMMENT

Alex Slovinski, 6103 Scotmar Drive, spoke in opposition to the variance requests for the proposed sports complex on E. Miller Road, expressing concerns about noise and traffic.

Stacy Lynch, 6101 Scotmar Drive, spoke in opposition to the variances. She stated that the building will be out of character for the area and will diminish the view from her home which is located directly across the street.

Erin Fleck, 1753 Maisonette Drive expressed concerns about the location, given the already high volumes of traffic in the area and the limited traffic control systems,

Brian Fisher, 6245 Timberland Drive, spoke in favor of the request. He said that most of the noise will be confined to the dome and the traffic will not be as high as what is anticipated as most of the time there are only 2-4 teams playing at one time and there is a lot of ridesharing.

Alexandra Fisher, 6245 Timberland Drive, spoke in favor of the request. She said that an indoor sports complex allows sports to continue in the winter and the additional traffic that would be generated could result in changes to the traffic control system in the area to resolve some of the concerns that have been expressed by the area residents.

Christina Fisher, 6245 Timberland Drive spoke in support of the variances. She said that she is a soccer mom and a high school teacher. She also said that most of the traffic will occur in the evenings and on weekends and will not draw as much traffic as it might seem.

David Ames, applicant's representative, stated that he is an owner, operator and building of sports dome and they are insulated to buffer the noise. He said that the noise from meter/generator could only be heard when standing right next to it and it is located on the back of the building.

IV. PUBLIC HEARING/ACTION

A. BZA-4095.25, 1801 E. Miller Road and adjoining vacant parcel, Variances to the building height limitation, allowable building materials and mechanical equipment in the front yard.

Ms. Stachowiak announced that the public hearing was held at the March 13, 2025, meeting at which Stacy Lynch of 6101 Scotmar Drive spoke in opposition to the request expressing concerns about the traffic that would be generated by the proposed sports complex and about the appearance of the dome.

Ms. Stachowiak stated that this is a request for variances to permit a 67-foot, 2 inch high, domed indoor soccer building, that would be constructed of vinyl coated polyester and an entry building that would be constructed of metal panels at 1801 E. Miller Road and the adjoining vacant property. She further stated that the staff recommendation is to deny the request as the proposed building may have a negative impact on future development in the area and on property values, particularly with regard to the residential uses to the south. She said that, as evidenced by the renderings included in the packet, the proposed dome is massive and will dramatically change the character/appearance of the area, in direct conflict with the goals of the Master Plan and with the intent and purpose of the Zoning Ordinance. Ms. Stachowiak said that granting the requested variances under these circumstances would set a negative precedent for future variance requests where approval thereof would be contrary to the guiding and regulatory documents related thereto.

Mr. Fryling asked about the dome that collapsed in East Lansing.

Mark Bigelbach, applicant's representative, stated that it had to have been an error on the part of the operator.

The Board members discussed the inability to construct an indoor sports complex in compliance with the City's architectural standards and softening the view of the dome by planting dense rows of trees and shrubs in front of the building and in front of the parking lot

Mr. Berryman asked about the hours of operation and whether the amount of parking will be adequate to accommodate the demand.

Mr. Bigelbach stated that the hours are typically from 5-10 during the week and during the daytime on weekends.

Ms. Stachowiak stated that the number of parking spaces meets the code requirement

for the projected occupancy load. She also said that there is a zoning ordinance amendment pending before the City Council that would increase the allowable height for structures in the industrial zoning district to 60 feet which would reduce the variance to 7 feet, 2 inches as opposed to 22 feet, inches. She said that there has been no objection to the amendment, and she anticipates that it will be approved within 30-45 days. Ms. Stachowiak also stated that if the site had greater depth so that the building would be located at least 200 feet from the front property line, it would not have to comply with the architectural requirements.

Mr. Rice stated that he will not be voting in favor of the variances as the building is contrary to the intent of the ordinance which is to regulate building design and materials so that buildings improve the appearance of the streetscape and fit in with the area in which they are located. He said that he doesn't have concerns about traffic and noise but is concerned about preserving the intent of the ordinance.

Mr. Lowry pointed out that there is already a domed structure in the area. He also pointed out that the variance to the height limitation would be minimal under the proposed ordinance amendment and thus, denial of the variances would create an unnecessary hardship on the applicant.

Mr. Iannuzzi spoke in support of the request stating that the height variance would be minimal and is necessary because of the unique circumstance of it being a domed structure.

Mr. Fryling stated that he could support the variances as long as a substantial amount of shrubs and trees will be planted to soften the view of the building and only if the amendment allowing for an increased building height is approved by the City Council, thus reducing the variance to 7 feet, 2 inches.

Mr. Iannuzzi made a motion, seconded by Mr. Lowry to approve BZA 4095.25 for variances to Sections 1245.04.02(A) and 1246.04.03(c) of the Zoning Ordinance to permit a 67-foot, 2-inch high, domed, indoor soccer building constructed of vinyl coated polyester and an entry building constructed of metal panels on the property at 1801 E. Miller Road and the adjoining vacant parcel, based upon the findings described in the staff report regarding compliance with variance evaluation criteria listed in Sections 1274.06 (c) & (e) of the Ordinance.

Mr. Fryling made a motion, seconded by Mr. Jackson to amend the motion to add a condition of approval that the applicant install a dense row of evergreen trees and shrubs in the area south of the building and parking lot and that the variance to the height restriction is limited to 7 feet, 2 inches which requires approval of the ordinance amendment increasing the allow building height to 60 feet. Mr. Iannuzzi and Mr. Lowry accepted the amendments.

On a roll call vote, the motion, as amended, carried 7-1. Mr. Rice cast the dissenting vote.

V. OLD BUSINESS – None

VI. NEW BUSINESS – None

VII. APPROVAL OF MINUTES

A. Regular Meeting March 13, 2025

Mr. Jackson made a motion, seconded by Mr. Iannuzzi to approve the regular meeting minutes for March 13, 2025, as presented. On a voice vote, the motion carried unanimously (8-0)

VIII. PUBLIC COMMENT - None

IX. ADJOURNMENT AT 7:32 p.m.

Respectfully Submitted,

Susan Stachowiak, Zoning Administrator