



Andy Schor
Mayor

LANSING BOARD OF ZONING APPEALS
Regular Meeting
Thursday, October 9, 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-4098.25, 2701 S. M. L. King Jr. Blvd., Variance to permit an 8-foot high, screen fence in the front yard**

V. OLD BUSINESS

VII. NEW BUSINESS

- A. Public Hearings, Motions & Voting**

VI. APPROVAL OF MINUTES

- A. Regular Meeting, August 14, 2025**

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: Lansing Board of Water & Light
1201 S. Washington Avenue
Lansing, MI 48910

REQUESTED ACTION: Variance to permit an 8-foot-high, black spiked/mesh fence in the front yards at 2701 S. M L King Jr. Blvd.

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Board of Water & Light Utility Substation

EXISTING ZONING: "IND-1" Industrial

PROPERTY SIZE & SHAPE: Irregular shape - 3.964 acres

SURROUNDING LAND USE: N: Single Family Residential
S: City Park
E: Single Family Residential/Industrial
W: Single Family Residential

SURROUNDING ZONING: N: R-2, Residential
S: R-2, Residential & IND-1, Industrial
E: R-2, Residential & IND-1, Industrial
W: R-2, Residential & IND-1, Industrial

MASTER PLAN DESIGNATION: The Design Lansing Comprehensive Plan designates the subject property for "Open Space/Public Utility". Rundle Street is designated as a local road and S. M.L. King is designated as an arterial corridor.

REQUEST

Permitted	Proposed
75% visually open, 8 foot high wrought-iron or other material resembling wrought-iron fence in the front yard of an industrial property	Opaque, 8-foot high, black coated, spiked/mesh iron, fence around the perimeter of the industrial property at 2701 S. M. L. King Jr. Blvd. (see attached specifications/photos)

The City is in the process of reviewing a site plan for a new Board of Water and Light electrical substation at the northeast corner of S. M. L. King Jr. Boulevard and S. Rundle Street. The proposed plan includes an eight (8) foot high, spiked/mesh, black coated iron fence surrounding the entire property. Since it is a corner lot, with the exception of the area directly east and south of the future substation itself, the entire property is considered front yard, by zoning ordinance definition. The

proposed development is shown on the attached site plan, with the red line representing the location of the proposed fence. The applicant will have a sample of the proposed fence at the BZA meeting.

Section 1250.04.06 (1) (e) of the City of Lansing Zoning Ordinance restricts fences in front yards on industrial properties as follows:

“A fence within the front yard of a commercial, industrial, or institutional zoned or used property, or a residential property with more than 20 units, may be erected or maintained to a height above three (3) feet, but not to exceed a height of six (6) feet, or eight (8) feet for industrially zoned or used properties, if the fence meets all of the following requirements:

1. The fence consists of at least 75 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.
3. The fence is made only of wrought iron or other material resembling a wrought iron fence.”

The proposed fence does not comply with the first and second requirements listed above but could be considered compliant with the third requirement. The proposed fence is not visually open, may impede vision for motorists exiting the driveway on the site but is a black, spiked, iron fence that does resemble typical wrought-iron with the exception of having the spikes placed very close together with a mesh fence backing to obscure vision through the fence.

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 an 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 basis for the applicant’s request is to: “... provide a higher level of security resulting in a safer, more reliable utility”. The applicant considers that the proposed use as an unmanned, electrical

substation, as opposed to a physical feature of the property, is unique and warrants relief from the ordinance requirements.

The Zoning Ordinance provides for an increased fence height in the front yards of industrial properties as it is recognized that many industrial operations have outside storage of equipment, supplies, etc. and thus require a greater level of security to prevent theft, vandalism and trespassing. It is also recognized that, as is the case with the subject property, many industrial sites are located adjacent to or in close proximity to residential neighborhoods and/or along major corridors. The provision restricting the style of fence allowed in front yards to visually open, wrought-iron or fences of similar materials is intended to prevent vision obstructions at driveways and street intersections and for aesthetic purposes as they are far more attractive than typical galvanized steel chain link fences.

A typical wrought-iron fence that is at least 75% visually open will not provide adequate security for the site. The applicant is proposing a fence that is of similar style to a typical wrought-iron fence except that the pickets will be located approximately 2-3 inches apart and it will have a mesh backing that will make it appear to be almost completely opaque. The proposed fence will come as close as possible to complying with the ordinance requirements while meeting the applicant's need for security.

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 intent of the ordinance is to permit fences up to 8 feet high on industrial properties to provide for security and to prevent unlawful entry while preserving the appearance of the streetscape by restricting the fences to wrought-iron style and preventing traffic hazards by requiring them to be visually open. Unlike most industrial operations, the site will be unmanned the vast majority of the time and thus, more susceptible to unlawful entry wherein a person could get seriously injured on the equipment/towers, etc. There would be no way for a person to safely scale the proposed fence as there would be nothing to step on to gain the leverage necessary to do so. The proposed fence will be very appropriate given the location of the site across from a residential neighborhood and along S. M.L. King which is a major corridor. It is one of the most visually appealing fences/barriers that could be constructed that would provide the necessary security and would obscure the view of the ground-level substation equipment to make the site more attractive to the residents across the street and along S. M. L. King.

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 fence will be located far enough (30 feet) from the public rights-of-way along both streets and from the driveway on the property to the east on Rundle that it should not obstruct

visibility for motorists turning at the street intersection or exiting the driveway. While the fence may impede vision when exiting the driveway on the property, the facility will be unmanned and traffic will be limited to 1 or 2 trips, a few days each week by BWL employees only.

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.**

The use of the site is unique as described in the preceding paragraphs of this report with respect to its need for a high level of security to prevent trespassing and vandalism and because it is an unmanned site, generating very little traffic. Since these factors are unique to the proposed use as a BWL substation, of which there are very few in the City, approval of the fence variance will not set a negative precedent for future requests to vary the fence ordinance.

SUMMARY & FINDINGS

This is a request by the Lansing Board of Water & Light to permit an eight (8) foot high, mesh/spiked, black, iron fence in the front yards of the industrially zoned property at 2701 S. M. L. King Jr. Boulevard. Section 1250.04.06 (1) (e) of the City of Lansing Zoning Ordinance permits eight (8) foot high fences in the front yards of industrially zoning properties, if the fence is at least 75 percent visually open and is made only of wrought-iron or other materials resembling wrought-iron.

The information supports a finding that the requested variance is consistent with the evaluation criteria set forth in Sections 1274.06 (c) & (e) of the Zoning Ordinance. More specifically, since the proposed fence is consistent with the intent of the ordinance and is necessary to address the unique security issues associated with the use, denial of the variance would cause an unnecessary hardship on the applicant and would leave the site susceptible to unlawful entry.

RECOMMENDATION

Based on the information and findings described above, the staff recommendation is to approve the request to permit an 8-foot-high, mesh/spiked, black iron fence in the front yards at 2701 S. M. L. King Jr. Boulevard on a finding that the variance complies with the evaluation criteria set forth in Sections 1274.06 (c) and (e) of the Zoning Ordinance.

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

Reset Form

Print Form



Andy Schor, Mayor

CITY OF LANSING - PLANNING OFFICE
PETITION
BOARD OF ZONING APPEALS

FILE NUMBER: BZA- _____

DATE SUBMITTED: _____

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

Street Address (include zip code): 2701 South Martin Luther King Jr. Blvd. Lansing, MI, 48910

Legal Description:

That Part of the Northeast 1/4 of section 29, Town 4 North, Range 2 West, City of Lansing, Ingham County, Michigan, Being described as: Beginning at the Southerly corner of Lot 71, Block 4, Plat of the resubdivision of Blocks 17, 21 and 22 and lots 35 to 72 inclusive in block 30, Elmhurst Subdivision; Thence N00°38'53"W, 173.20 Feet along west line of said Lot 71 to the South line of Rundle Ave.; Thence N53°05'45"E, 619.64 Feet (Platted as 619.50 Feet) to the Northeast corner of Lot 56; Thence S36°51'57"E, 139.67 Feet (Platted as 140.00 Feet) along the Easterly line of said Lot 56 to the Southeast corner of Lot 56; Thence N53°05'45"E, 40.48 Feet (Platted as 40.00 Feet) along the South line of said Lot 55; Thence S36°51'57"E, 100.11 Feet (Recorded as S39°31'58"E, 100.11 Feet) to the Northerly line of Pennsylvania Lines Railroad LLC (Formerly known as New York Central Railroad) (Being 66 Feet wide); Thence S33°05'34"W, 771.61 Feet (Recorded as S50°30'00"W, 771.58 Feet); Thence S85°10'11"W, 46.43 Feet (Recorded as N88°08'00"W 46.59 Feet) to the East line of a parcel taken for MDOT Right of Way (Recorded in Liber 1125, Page 876); Thence N05°54'17"W, 59.85 Feet (Recorded as N05°51'14"W, 60.43 Feet); Thence N00°38'53"W, 30.00 Feet (Recorded as N00°38'53"W, 30.00 Feet in Liber 1125, Page 786) to the point of beginning.

Applicant Name: Steven M. Swan

Address (include zip code): 1201 S Washington Ave, Lansing, MI 48910

Phone Number: 989-292-1148

Owner Name: Lansing Board of Water and Light

Owner Address (include zip code): 1201 S Washington Ave, Lansing, MI 48910

Owner Phone: 989-292-1148

Interest in Property (please check one)

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

Is this property in the flood plain?

Zoning of the property: IND-1 - Suburban Industrial / IND Lot dimensions: _____ X _____ Yes No (checked)

Is this property residential? Yes No (checked)

of Efficiency Units: N/A # of 1 Bedroom Units N/A # of 2 Bedroom Units: N/A # of 3 Bedroom Units: N/A

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

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

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

Hours and days / week of operation: The Substation will run 24/7/356 unmanned

Describe or explain your proposal for this property:

attach a separate sheet if more space is necessary

Electrical Substation

Section # with which this proposal is in conflict: _____

If this petition is not granted, explain how your proposal will be affected: *attach a separate sheet if more space is necessary*

BWL would like to install a fence that provides a higher level of security resulting in a safer, more reliable utility. BWL is aware development this adjacent to a residential zoned area and would like to provide fencing that both protects sensitive assets for the utility and is aesthetically pleasing to the neighborhood.

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: STEVEN M. SWAN

For assistance, please contact:

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

PART 1 GENERAL

1.1 Scope of Work

Supply and install steel corrugated pale perimeter security barrier fence system using the manufacturers' recommended method of installation.

1.2 System Description

As manufactured by AMICO Security, AMIGUARD® 4780 Palisade fence pales shall be made from corrugated pales, attached to a rail and post system supplied by AMICO security. Conventional rails and posts not manufactured specifically for security purposes is NOT acceptable for this use.

1.3 References

All components and parts in this specification shall meet or exceed current standards and specifications as designated by the American Society for Testing and Materials (ASTM): ASTM A123 Standard Specification for Zinc Coatings on Iron and Steel Products, ASTM A653/A653M Standard Specification for Steel Sheet, Zinc-Coated (Galvanized) or Zinc-Iron Alloy Coated (Galvannealed) by the Hot-Dip Process, ASTM A1011 Specification for Steel, Sheet and Strip, Hot-Rolled, Carbon, structural High Strength Low-Alloy with Improved Formability. ASTM F1083 Specification for Pipe, Steel, Hot-Dipped Zinc Coated (Galvanized) Welded For Fence Structures.

1.4 Submittal

The manufacturers' submittal information shall include brochures, details and specifications and samples.

1.5 Storage and Handling

Materials shall be stored in a clean dry location with proper ventilation to avoid damage from moisture. Materials shall be protected against damage from weather, vandalism, and theft. In the event of freight damage, note freight bill and contact manufacturer immediately.

PART 2 MATERIALS

2.1 Manufacturer

Amico Security, 3245 Fayette Avenue, Birmingham, AL 35208, Email: info@amicosecurity.com, Web: www.amicosecurity.com, Telephone: Toll Free: 855-552-6426

2.2 Materials

A. AMIGUARD® 4780 Palisade fence

(Bent Tri-Point Pales with Anti-Scale Spacing with Expanded Metal)

1. Width of pales 2.7" (68mm)
2. Width of open space max 1.3" (33mm)
3. Height 6', 7', 8', 9' & 10'
4. Rails 2 or 3 rail system
5. Expanded metal weight 1.41 lbs/sf2 (6.88 kg/m²)
6. Expanded metal strand thickness 0.090in (2.29mm)
7. Produced by AMICO Security



B. Framework

1. For round posts, steel shall conform to ASTM A-653 and be cold rolled for a minimum yield strength of 35,000 psi for Schedule 40 (Std. Pipe) posts and 50,000 psi for SS40 posts. For square & rectangular posts, steel shall conform to ASTM A-653 and be cold rolled for a minimum yield strength of 50,000 psi for ASTM A500 Gr. C Steel.
2. Horizontal rails shall be a design in which rails are continuously fastened together forming a continuous rail in front of line posts. Rails shall be attached to vertical posts with AMICLAMPS®. Rails shall be pre-punched to allow 5/16-in. diameter bolts for rail to rail and pales to rail attachment.
3. Number of AMICO Infini-Rails® rails required shall be shown on drawings.
4. Rails shall be pre-punched allowing the required number of attachment points.

Also works with AMIGUARD® Perimeter System

C. Finish

Materials shall be hot dip galvanized to meet ASTM A 123 /A123M Zinc (Hot Dip Galvanized) Coatings on Iron and Steel Products or, finish for all materials shall be AMICO's 4-6 mil AMICOAT™ powder coated finish.

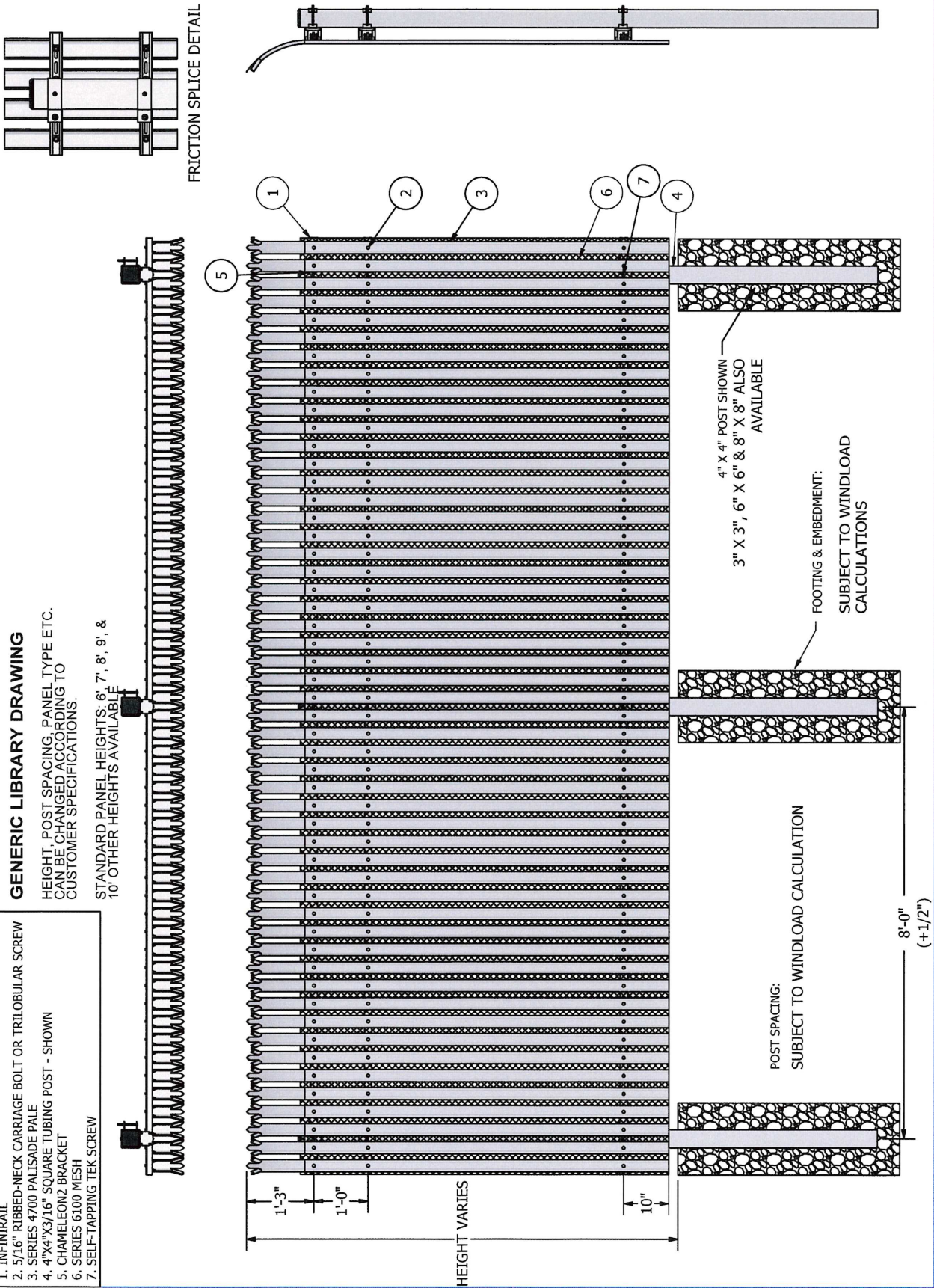
PART 3 INSTALLATION

3.1 Installation

The AMICLAMP® snaps onto Chameleon Posts® and allows AMICO Infini-Rails® to pass through the post easily. Sleeves prevent water from entering the post. Rails are joined making a continuous rail for the length of the fence run using the fastenerless friction fit system from AMICO Security. Pales are bolted to rails using tamper proof fasteners supplied by AMICO Security. Finish Plates are secured to posts with security TEK screws. Carriage bolts are used to secure rails to plates completing the installation of framework and pales. Seat post caps on each post. Install gates as required.

- 1. INFINIRAIL
- 2. 5/16" RIBBED-NECK CARRIAGE BOLT OR TRILOBULAR SCREW
- 3. SERIES 4700 PALLISADE PALE
- 4. 4"x4"x3/16" SQUARE TUBING POST - SHOWN
- 5. CHAMELEON2 BRACKET
- 6. SERIES 6100 MESH
- 7. SELF-TAPPING TEK SCREW

GENERIC LIBRARY DRAWING
 HEIGHT, POST SPACING, PANEL TYPE ETC. CAN BE CHANGED ACCORDING TO CUSTOMER SPECIFICATIONS.
 STANDARD PANEL HEIGHTS: 6', 7', 8', 9', & 10'. OTHER HEIGHTS AVAILABLE



REV	DATE	DESCRIPTION	BY
1	01/12/22	REVISED FASTENERS & HOLES	CJG
0	02/12/22	FOR APPROVAL	

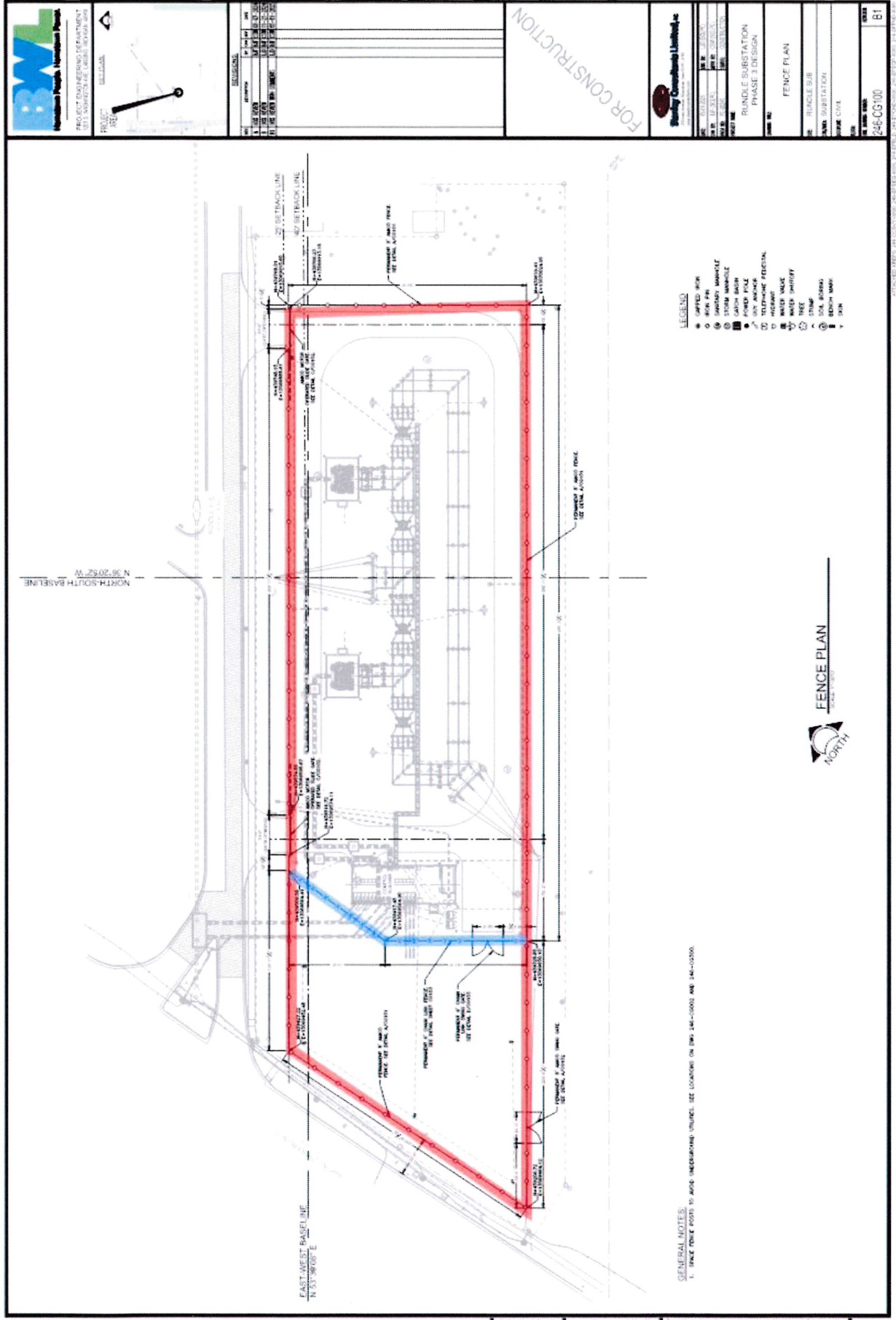
CHAMELEON2 SERIES 4780 ELEVATION		MATERIAL SPECIFICATIONS	
PROJECT		FINISH	
CUSTOMER		QUOTER	
DATE	4/20/22	DRAWER	
C-CHECKER		C-CHECKER	
REVISOR		REVISOR	

A36 STEEL, ALL PLATE ANGLE & CHANNEL
 A500 GRADE B, ALL TUBE STEEL
 COMMERCIAL GALV. ALL GA WIRE

SHEET NO. **A1**

THIS DRAWING IS THE PROPERTY OF AMICO, INC. AND IS CONFIDENTIAL AND MUST NOT BE MADE PUBLIC OR COPIED, AND IS SUBJECT TO RETURN ON DEMAND. ALL RIGHTS OF INVENTION OR DESIGN ARE RESERVED.

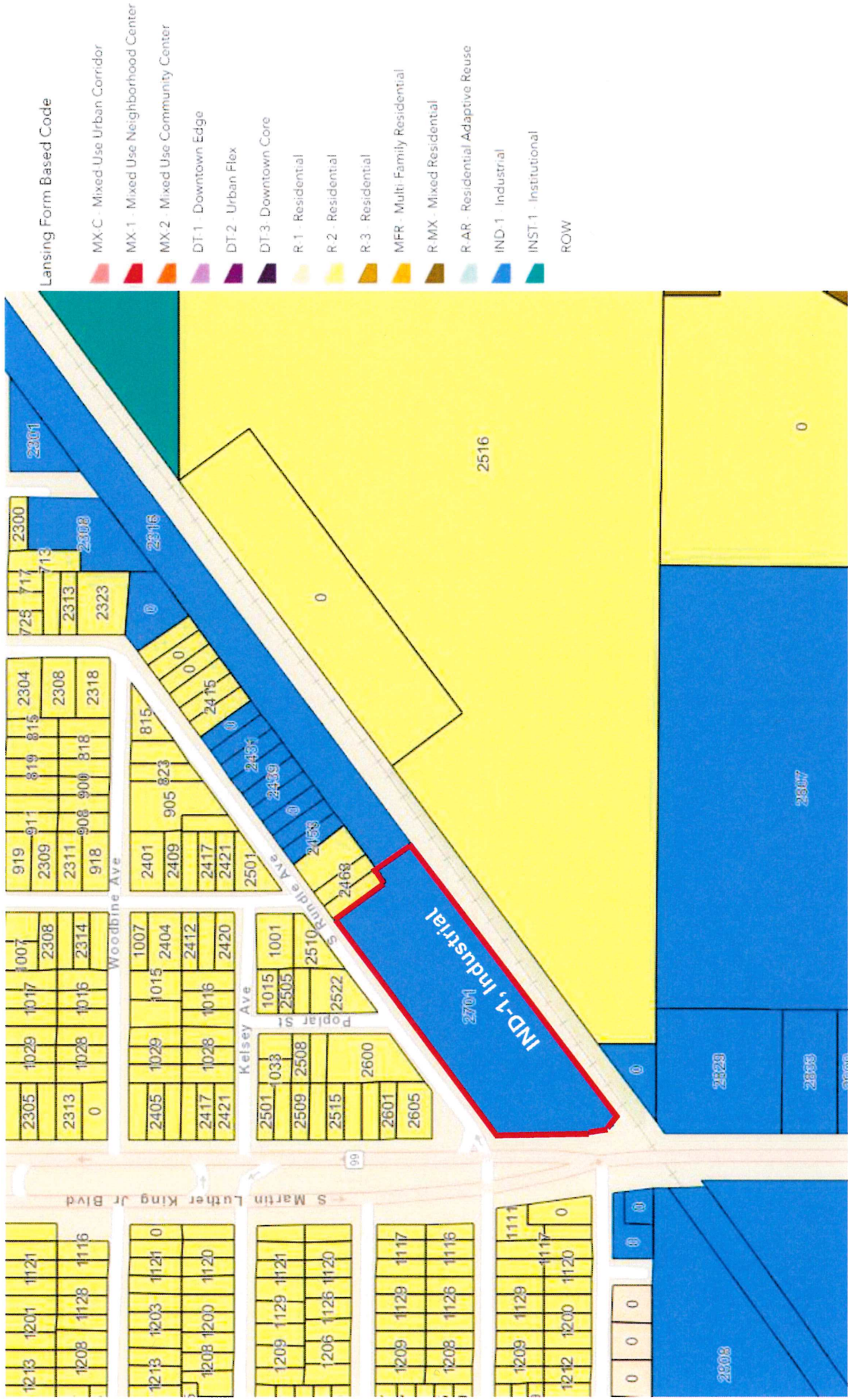
The red line indicates the location of the proposed 8-foot-high metal/mesh fence
 The blue line indicates an internal chain link fence







Zoning Map



Lansing Form Based Code

- MX-C - Mixed-Use Urban Corridor
- MX-1 - Mixed Use Neighborhood Center
- MX-2 - Mixed Use Community Center
- DT-1 - Downtown Edge
- DT-2 - Urban Flex
- DT-3 - Downtown Core
- R-1 - Residential
- R-2 - Residential
- R-3 - Residential
- MFR - Multi-Family Residential
- RMX - Mixed Residential
- R-AR - Residential Adaptive Reuse
- IND-1 - Industrial
- INST-1 - Institutional
- ROW

MINUTES OF REGULAR MEETING - DRAFT
BOARD OF ZONING APPEALS
Thursday, August 14, 2025, 6:30 P.M.
600 W. Maple Street, Lansing MI

I. ROLL CALL

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

Present: M. Alling, H. Lowry, & M. Jackson, M. Rice, K. Berryman & S. Robertson

Absent: B. Fryling & C. Iannuzzi

Staff: S. Stachowiak

A quorum of at least five members was not present, allowing voting action to be taken.

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.

Ms. Stachowiak stated that while a quorum was not present, the public hearing was held at the July 10, 2025, meeting at which the applicant spoke in favor of the request and no other comments were received. She said that the neighbors to the south and to the east have submitted emails in support of the variance.

Ms. Stachowiak stated that this is a request to permit an eight-foot tall privacy fence that has already been constructed in the side yard at 1901 Comfort Street that extends across the adjoining vacant parcel to the south, which is also owned by the applicant. Ms. Stachowiak stated that privacy fences are limited to 6 feet in height in side and rear yards, on single-family residential properties.

Ms. Stachowiak stated that staff is recommending approval of the request, primarily based upon a grade change along the south property line wherein the applicant’s property is approximately 2 feet lower than that of the adjoining property which reduces the applicant’s privacy with a 6-foot-high fence. She said that the site is at the end of a dead-end street and has industrial properties to its immediate west and north. Ms. Stachowiak said that the applicant will need to combine the two properties since fences are not permitted on vacant parcels of land.

Mr. Rice spoke in support of the variance based upon the grade change at the south property line, which is a unique feature of the site that warrants relief from the ordinance. Ms. Alling agreed.

Mr. Rice made a motion, seconded by Mr. Jackson to approve BZA 4096.25 for 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 evaluation criteria set forth in Sections 1274.06 (c) & (e) of the Zoning Ordinance. On a roll call vote, the motion carried 4-2. Mr. Berryman and Mr. Lowry cast the dissenting votes.

B. BZA-4097.25, 1301/1309 W. Shiawassee Street - Variance to the height limitation for a fence in a front yard

Ms. Stachowiak stated that this is a request to permit the recently erected 4-foot-high solid fence in the front yard at 1309 W. Shiawassee Street front yard in order to provide greater safety and security for young children playing in and to keep dogs confined to the 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. She said that for a variance to be approved, 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 circumstances unique to the subject property, thus preserving the intent of the ordinance standard

Ms. Stachowiak stated that the staff recommendation is to deny the request as there is nothing unique about the property that would warrant relief from the ordinance restriction. She said that one of the primary reasons for limiting the height of fences in front yards is to preserve the appearance of the streetscape. Ms. Stachowiak stated that the proposed fence will be contrary to this intent as it does create a “wall” effect that negatively impacts the appearance of the area in which it is located. She also said that since there is nothing unique about the subject property to warrant relief from the ordinance, approval of the 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.

Ms. Alling opened the public hearing.

Jean Dukarski, 1301 W. Shiawassee Street, spoke in favor of her request. She stated that moving the fence back, even with the side wall of the house will interfere with their gardening. She said that a 3-foot-high fence will not provide adequate safety and security for the children in her care, particularly since one of them has special needs. She also stated that they have dogs that are capable of jumping a 3-foot-high fence.

Martha Thompson, 1300 N. Shiawassee Street, spoke in support of the variance. She said that she lives directly across the street from the applicant and is very pleased with the appearance of the fence. She also said that it does not interfere with visibility for motorists turning at street intersections or exiting driveways in the area.

Rebecca McAlpine, 416 Westmoreland Avenue, spoke in support of the variance. She said that the fence is beautiful and artfully constructed.

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

Mr. Lowry asked about the sandy soil on the property and whether it would impact the stability of the fence if it were to be moved out of the front yard.

Ms. Dukarski said that the sandy soil could very well prevent the fence from being properly stabilized.

Mr. Berryman asked about the lots having to be combined, to permit the fence.

Ms. Stachowiak stated that without a house on the lot to establish a front yard, the entire lot would be considered a front yard by zoning ordinance definition.

Mr. Rice stated that there is nothing unique about the property that would warrant approval of the variance.

Mr. Jackson stated that while the fence is attractive, there is nothing unique about the property that prevents compliance with the ordinance.

Ms. Alling pointed out that a fence can extend up to 4 feet in height in a front yard, as long as the top 1 foot of the fence is at least 75% visually open. She said that the concern is setting a precedent for future requests to vary the height restriction of fences, particularly in front yards, when it cannot be established that there is something unique about the property that warrants the variance. Mr. Robertson agreed.

Mr. Lowry stated that the sandy soil on the property is unique and impacts where the applicant could properly construct a fence.

Mr. Rice made a motion, seconded by Mr. Jackson to deny a request for a variance to permit a 4-foot-high privacy in the front yard at 1301 & 1309 W. Shiawassee Street, on a finding that the variance request does not satisfy the applicable evaluation criteria set forth in Sections 1274.06 (c) & (e) of the Zoning Ordinance. On a roll call vote, the motion carried 4-2. Mr. Berryman and Mr. Lowry cast the dissenting votes.

V. **OLD BUSINESS** – None

VI. **NEW BUSINESS**

A. **Excused Absences**

Mr. Lowry made a motion, seconded by Mr. Jackson, to grant excused absences for Mr. Iannuzzi and Mr. Fryling. On a voice vote, the motion carried 6-0.

VII. APPROVAL OF MINUTES

A. Regular Meeting, April 10, 2025

Mr. Jackson made a motion, seconded by Mr. Lowry to approve the April 10, 2025, meeting minutes, as presented. On a voice vote, the motion carried 6-0.

VIII. PUBLIC COMMENT - None

IX. ADJOURNMENT AT 7:23 p.m.

Respectfully Submitted,

Susan Stachowiak, Zoning Administrator