

MINUTES OF REGULAR MEETING – *Approved October 9, 2025*
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 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