

**MINUTES OF REGULAR MEETING – Approved 2/12/2026**  
**BOARD OF ZONING APPEALS**  
**Thursday, December 11, 2025, 6:30 P.M.**  
**600 W. Maple Street, Lansing MI**

**I. ROLL CALL**

The meeting was called to order by Chairperson Alling at 6:32 p.m.

**Present:** M. Alling, K. Berryman, B. Fryling, C. Iannuzzi, H. Lowry, M. Rice, & S. Robertson

**Absent:** M. Jackson

**Staff:** S. Stachowiak, A. Fedewa

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-4099.25, 809 E Michigan Avenue, Variances to Sections 1243.06.02, 1246.04.03(e), and Table 1243.03 of the Zoning Ordinance to permit the construction of a McDonalds restaurant with drive-through at 809 E. Michigan Avenue that would be 1 story and 22.7 feet in height, would not occupy the first 20 feet of the site along E. Michigan Avenue, have a 15.06 foot build-to line, no customer entrance on the front wall of the building, a driveway onto a local street and would exceed the number of permitted parking by 1 space.**

Ms. Stachowiak reviewed email communications from The Gillespie Group in support of BZA-4099.25, Caitlin O’Rourke in opposition to BZA-4099.25, Craig Terrill in opposition to BZA-4099.25, and Timothy O’Rourke in opposition to BZA-4099.25.

Ms. Stachowiak stated that BZA-4099.25 is a request by Permit Systems on behalf of McDonald’s to build a new fast-food restaurant with a drive through at 809 E. Michigan Avenue, which is the site of Jon Anthony Florist shop. She said that the proposed building is 1-story and 22 feet, 7 inches in height which is less than the required 2 stories and 25-foot building height. She also said that building would not occupy the first 20 feet of the site along E. Michigan Avenue (corner massing), exceeds the 5-foot build-to line requirement by 10.06 feet, does not have a front entrance to the building facing the main street frontage (E. Michigan Avenue), would have a driveway onto a local street (N. Hosmer Street) and would exceed the maximum allowable number of permitted parking spaces by 1 space. Ms. Stachowiak stated that 6 variances would be necessary to permit the proposed building/site design.

Ms. Stachowiak stated that the staff recommendation is to deny the variances on a finding that they do not comply with the criteria set forth in Sections 1274.06 (c) and 1274.06 (e) of the Zoning Ordinance for evaluating variance requests. She also said that the proposed design is contrary to the intent of the placemaking standards being advanced in the Comprehensive Plan and the Zoning Ordinance regulations for the MX-2 zoning district. Ms. Stachowiak said that the intent of these documents and proper planning and zoning principles in general in areas such as E. Michigan Avenue from Capitol Avenue to the east City limits is to create a pedestrian-oriented atmosphere by locating the buildings in close proximity to the streets and requiring/permitting less parking to encourage pedestrian transportation and use of public transportation. She said that the E. Michigan corridor is characterized by 2+ story buildings that have first floor commercial uses with upper floor residential units, buildings located at the front property line with pedestrian entrances facing the street and limited on-site parking located behind the buildings.

Ms. Stachowiak stated that there is nothing unique about the site that would warrant approval of the requested variances. She said that the basis for the requested variances is the result of the applicant selecting a site where the development requirements cannot accommodate the desired site design. She also said that granting variances when it cannot be established that there is a practical difficulty that is markedly unique based upon a physical feature of a site would render the Ordinance ineffective in accomplishing its intended purpose and could set a negative precedent for approval of other variance requests of a similar nature.

Mr. Iannuzzi asked if the Board must vote on all variance requests at once or if they may vote on each one separately. Ms. Stachowiak stated that the Board can make a motion to approve or deny all of the requested variances or may make separate motions for each variance. She said that the motion must be made in the affirmative and the majority of members serving must vote yes for them to be approved.

Mr. Robertson asked if approving the variances would set a negative precedent along E Michigan Avenue. Ms. Stachowiak stated that staff is of the opinion that approving any or all of the variances could set a negative precedent that would result in future development along E. Michigan Avenue that is contrary to the intent and purpose of the zoning ordinance and comprehensive plan.

Ms. Alling asked if another use such as a gas station would be prohibited from having an entrance onto a side street. Ms. Stachowiak stated that only a drive-through accessory use is required to have all points of egress onto a primary street. She said that such uses typically have a constant flow of traffic entering and exiting they site which, in this case, could impact on the circulation network in the area and cause traffic to back up into the site while motorists are waiting to turn onto E. Michigan Avenue.

Ms. Alling opened the public hearing.

Joe Kerchner, architect for the applicant, stated that his firm understands the intent of an urban zoning district, however Lansing's zoning ordinance design standards cannot reasonably accommodate a drive-thru business. He stated that his team could come up with a design that may eliminate the need for some of the variances such as increasing

---

the height of the building, eliminating 1 parking space and possibly even moving the building slightly closer to the front property line along E. Michigan Avenue, but the drive-thru business cannot function properly under the other restrictions.

Mr. Lowry asked why there cannot be an entrance from E Michigan Avenue. Mr. Kerchner answered that the development team is not able to rotate the building due to the drive through design. The building could be rotated if allowed to be in the center of the site as desired.

Mr. Fryling asked for more details about the different orientations that have been explored. Mr. Kerchner answered that McDonald's needs a particular kitchen and interior layout for their operations, which limits the options for the site and building design.

Mr. Lowry asked if the site has some limitations that the Board or staff is unaware of that would warrant relief from some of the ordinance standards. Mr. Kerchner stated he does not know if a limitation exists beyond what McDonald's needs for their operations.

Ms. Alling asked for clarification about the building height requirement. Ms. Stachowiak stated that E. Michigan Avenue is characterized primarily by two-plus story, mixed-use buildings similar to what has been historically developed along E. Michigan, such as the buildings directly across the street from the site. Ms. Stachowiak stated that there could be some flexibility with respect to the number of stories, based on the single-use nature of the proposal.

Mr. Robertson asked if there will be an entrance/exit from Jerome Street. Mr. Kerchner stated that the original proposed egress was removed due to the City's requirement for drive-thru establishments.

Mr. Fryling asked if there is one particular variance that would end the proposed project. Mr. Kerchner answered that the required corner massing and the Michigan Ave. entrance are the biggest conflicts with the preferred design. Adhering to the strict letter of the ordinance would make the interior not functional.

Jason Kildea, Vice President of Development, Gillespie Group, spoke in support of the variance requests. He also spoke about the challenges the Gillespie Group has had developing projects along E Michigan Avenue and stated that the form-based zoning code limits options for redevelopment. Mr. Kildea stated that there needs to be more flexibility in the zoning code.

Todd Kosta, real estate agent for the owner, stated they have not been able to find other buyers for the property because of the zoning requirements. Mr. Kosta spoke in support of the variance requests and stated that McDonald's would be a good user for the property.

Mitchell Stoakes, spoke in support of the variances and stated that there is a need for national chain tenants to help the Stadium District continue to thrive.

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

**Mr. Lowry made a motion, seconded by Mr. Rice to approve BZA 4099.25, variances to Sections 1243.06.02, 1246.04.03(e), and Table 1243.03 of the Zoning**

**Ordinance to permit the construction of a McDonalds restaurant with drive-through at 809 E. Michigan Avenue that would be 1 story and 22.7 feet in height, would not occupy the first 20 feet of the site along E. Michigan Avenue, have a 15.06 foot build-to line, no customer entrance on the front wall of the building, a driveway onto a local street and would exceed the number of permitted parking by 1 space.**

Mr. Rice stated that he does not see anything unique about the property and that the City should not rewrite the zoning code just to accommodate national chain businesses, particularly when the development would be contrary to the intent and purpose of the comprehensive plan and the zoning ordinance. Mr. Rice stated that these and similar requirements have been in place for many years with regard to fast-foot restaurant type businesses along E. Michigan Avenue.

Mr. Berryman asked for clarification about the statement that these requirements have been in place for ten years. Ms. Stachowiak stated that although the form-based zoning code was enacted in 2021, prior to that E Michigan Avenue had an overlay district, that had similar requirements to the standards in the form-based code, mainly requiring buildings to be sited at the public right-of-way and for parking to be placed in the rear. Mr. Berryman stated that the zoning ordinance places too many limits on redevelopment.

Mr. Robertson spoke in support of redevelopment in the City but not in conflict with so many different code requirements. Mr. Robertson stated he does not believe the City should approve any and all development if it is at the expense of a good and cohesive built environment.

Mr. Fryling asked if there is any flexibility to the corner massing requirement. Ms. Stachowiak clarified that the corner massing measurement begins at the build-to line and there is flexibility for clear sightlines and outdoor seating. Ms. Stachowiak stated that the staff does not want to see a building not oriented toward its main right-of-way. No other building along E. Michigan Avenue has the back of the building facing the street.

Mr. Iannuzzi asked if the applicant could revise their site plan if the variances are denied, or should the applicant ask for their request to be tabled or withdrawn. Ms. Stachowiak stated that either option is acceptable. If the applicant's original request is denied they can redesign the site plan and if that revision still needs variances, they may request a new meeting as that would be a different application than the one being considered.

**On a roll call vote, the motion failed 1-6. Mr. Lowry, Mr. Rice, Mr. Robertson, Mr. Fryling, Mr. Iannuzzi, and Ms. Alling cast the dissenting votes.**

V. **OLD BUSINESS** – None

VI. **NEW BUSINESS**

A. **Excused Absences**

**Mr. Rice made a motion, seconded by Mr. Robertson, to grant an excused absence for Mr. Jackson. On a voice vote, the motion carried 7-0.**

VII. **APPROVAL OF MINUTES**

**A. Regular Meeting, October 9, 2025**

**Mr. Lowry made a motion, seconded by Mr. Iannuzzi to approve the October 9, 2025, meeting minutes with the correction to the recording of the vote for BZA-4098.25, showing 5-1 with Mr. Lowry casting the dissenting vote. On a voice vote, the motion carried 7-0.**

**VIII. PUBLIC COMMENT - None**

**IX. ADJOURNMENT AT 7:28 p.m.**

Respectfully Submitted,

---

Susan Stachowiak, Zoning Administrator