



Andy Schor
Mayor

**LANSING BOARD OF ZONING APPEALS
REGULAR MEETING
DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING
THURSDAY, February 11, 2021, 6:30 PM**

Due to public safety concerns resulting from the COVID-19 pandemic, this meeting will be conducted remotely via Zoom Conferencing. To access the meeting, click on the following link <https://us02web.zoom.us/j/88928319316> or dial (312) 626-6799 and enter Meeting ID #: 889 2831 9316.

AGENDA

- I. **ROLL CALL**
- II. **APPROVAL OF AGENDA**
- III. **PUBLIC COMMENT**
- IV. **PUBLIC HEARING/ACTION**
 - A. BZA-4067.21, North & West of 1100 W. Saginaw – Variances to the allowable density for a proposed 67 unit apartment building - WITHDRAWN
 - B. BZA-4068.21 – Variances to permit barbed wire on a 6 foot high fence that would be within 30 feet of residential parcels of land
- V. **OLD BUSINESS**
- VII. **NEW BUSINESS**
- VI. **APPROVAL OF MINUTES**
 - A. Regular Meeting, January 14, 2021
- 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: Loud Labs of Michigan
736 N. Larch Street
Lansing, MI 48906

REQUESTED ACTION: Variances to permit barbed wire on a 6 foot high fence that would be within 30 feet of residential parcels of land

EXISTING LAND USE: Marijuana processing facility

EXISTING ZONING: "H" Light Industrial District

PROPOSED ZONING: No change

PROPERTY SIZE & SHAPE: Rectangular Shaped Lot
 $165.38' \times 123.24' = 20,751$ square feet (.476 acres)

SURROUNDING LAND USE: N: Commercial/parking lots
S: Residential & commercial
E: Vacant/Residential
W: Commercial

SURROUNDING ZONING: N: "H" Light Industrial District
S: "H" Light Industrial District
E: "H" Light Industrial District
W: "H" Light Industrial District

MASTER PLAN DESIGNATION: The Design Lansing Comprehensive Plan designates the subject property for Downtown Mixed-Use: Edge development. N. Larch Street is designated as a principal arterial.

REQUEST

This is a request by Loud Labs of Michigan to permit a 6 foot high chain-link fence with 3 strands of barbed wire atop around the perimeter of the property at 736 N. Larch Street. This property directly adjoins 2 residential properties to its south. Section 1290.08(a)(3)(B) of the City of Lansing Zoning Ordinance prohibits barbed wire on fences that are 6 feet or less in height and located within 30 feet of a residential parcel of land. Variances to permit barbed wire on a 6 foot high fence that would be located on the common property lines of 736 N. Larch Street and the adjoining residential parcels of land at 607 & 620 May Street are therefore, being requested.

ANALYSIS

Section 1244.06 (c)(1-4) and (e)(1-4) of the Zoning Code sets forth the criteria and standard which must be used to evaluate 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 variance application states:

“We are looking to add a 6’ high fence with barbed wire to the perimeter of the lot. We area a cannabis facility is a prime business to be broken into. We have had multiple vagrants and drug users stroll through the property as well as use narcotics outside of business hours. We are hoping to extend our business hours into the late evening and want to provide protection to our employees when they get into their vehicles. The potential for break-ins/carjacking’s at night is very high and we want to avoid them at all costs. If this petition is not granted the City will be putting hard working citizen’s lives at risk. It will invite crime into a legitimate business and create bad press potentially.”

Practical Difficulty Criteria

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

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 following ordinance regulating barbed wire on fences:

“For all fences under eight feet in height and for all fences, regardless of height, which are less than 30 feet from a neighboring parcel of land which is being used residentially, barbed wire on fences may be utilized only upon the written request of the applicant and written approval by the Department. Approval of such request shall be based on demonstrated need, safety and reasonableness. For all fences eight feet in height and 30 feet or more away from a neighboring parcel of land which is being used residentially, barbed wire on fences shall be allowed without prior approval of the Department. Under no circumstances will any fence six feet in height or less be permitted to use barbed wire. Barbed wire shall not extend more than three vertical feet above the top of the fence.”

The applicant is proposing to construct a 6 foot high chain-link fence around the perimeter of the property at 736 N. Larch Street that would be topped with 3 strands of barbed wire. The fence would be located on the applicant's south property line which is also the north property line of 2 residential properties that front along Manchester Court.

With respect to the second criterion, the hardship described by the applicant is considered to be self-created. The applicant selected a property as a site for a marijuana processing facility that adjoins residential uses, thus disqualifying it from having a barbed wire fence. The ordinance regulating barbed wire fences has not changed and the adjoining residential uses have existed long before the subject property was converted to a processing facility.

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. There is nothing physically unique about the subject property that would warrant a variance to the ordinance regulating barbed wire fences. In addition, the use of the property for a marijuana processing facility does not make it "unique". The security that would be derived from a barbed wire fence should have been considered before the subject property was selected as a location for a marijuana processing facility.

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 barbed wire fence would not be harmonious with the surrounding area as it would alter the character of the adjoining residential properties. In addition, the barbed wire fence would be contrary to the intent and purpose of the ordinance which is, in large part, to protect adjoining residential uses from the potential safety hazards of having barbed wire fences on or in close proximity to their property lines. The adjoining residents should not have the character of their properties altered and their safety potentially compromised because a new business has determined that it needs the additional security of a barbed wire fence. 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 restrictions on barbed wire fence, 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 proposed fence is visually open and therefore, would not impede vision for motorists existing the property or turning at the Larch/May Street intersection.

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 by Loud Labs of Michigan to permit a 6 foot high chain-link fence with 3 strands of barbed wire atop around the perimeter of the property at 736 N. Larch Street. This property directly adjoins 2 residential properties to its south. Section 1290.08(a)(3)(B) of the City of Lansing Zoning Ordinance prohibits barbed wire on fences that are 6 feet or less in height and located within 30 feet of a residential parcel of land. Variances to permit barbed wire on a 6 foot high fence that would be located on the common property lines of 736 N. Larch Street and the adjoining residential parcels of land at 607 & 620 May Street are therefore, being requested.

The available information does not support a finding that the requested variance is consistent with the 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 BZA 4068.21 for variances to permit a 6 foot high fence topped with barbed wire on the property at 736 N. Larch Street which directly adjoins two residential properties to its south, on a finding that the requested variances do not comply with the practical difficulty criteria outlined in Section 1244.06(c) or the impact criteria outlined in Section 1244.06(e) of the Zoning Ordinance.”

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator



736 NORTH LARCH STREET
LANSING, MI 48906
734-541-9145
jakeberry@pyramidpens.com

Pyramid Pens
736 North Larch Street
Lansing MI 48906
Project Contact: Jake Berry 512-541-9145

Security Fence

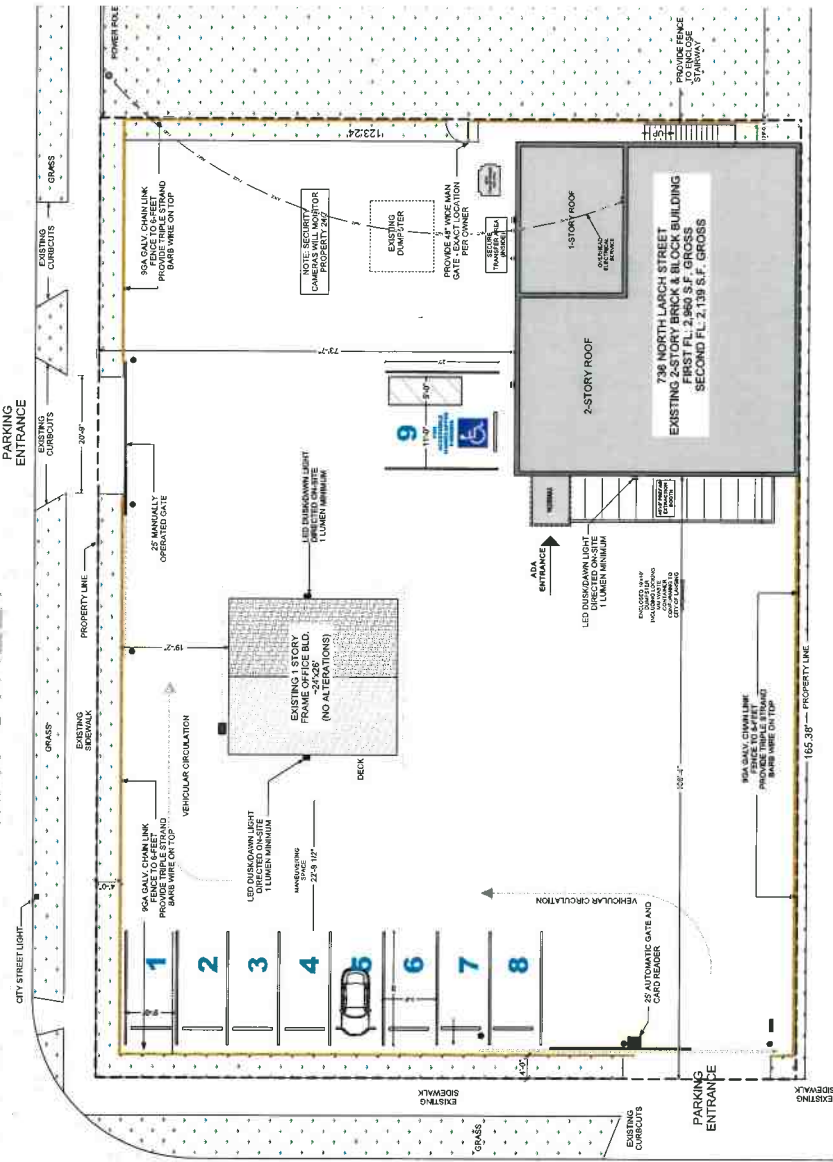
A16

MAY STREET

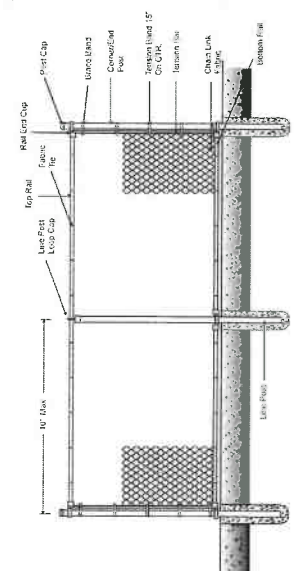
NORTH LARCH STREET

PARKING
ENTRANCE

PARKING
ENTRANCE



1 SITE PLAN
A16 SCALE: 1" = 10'

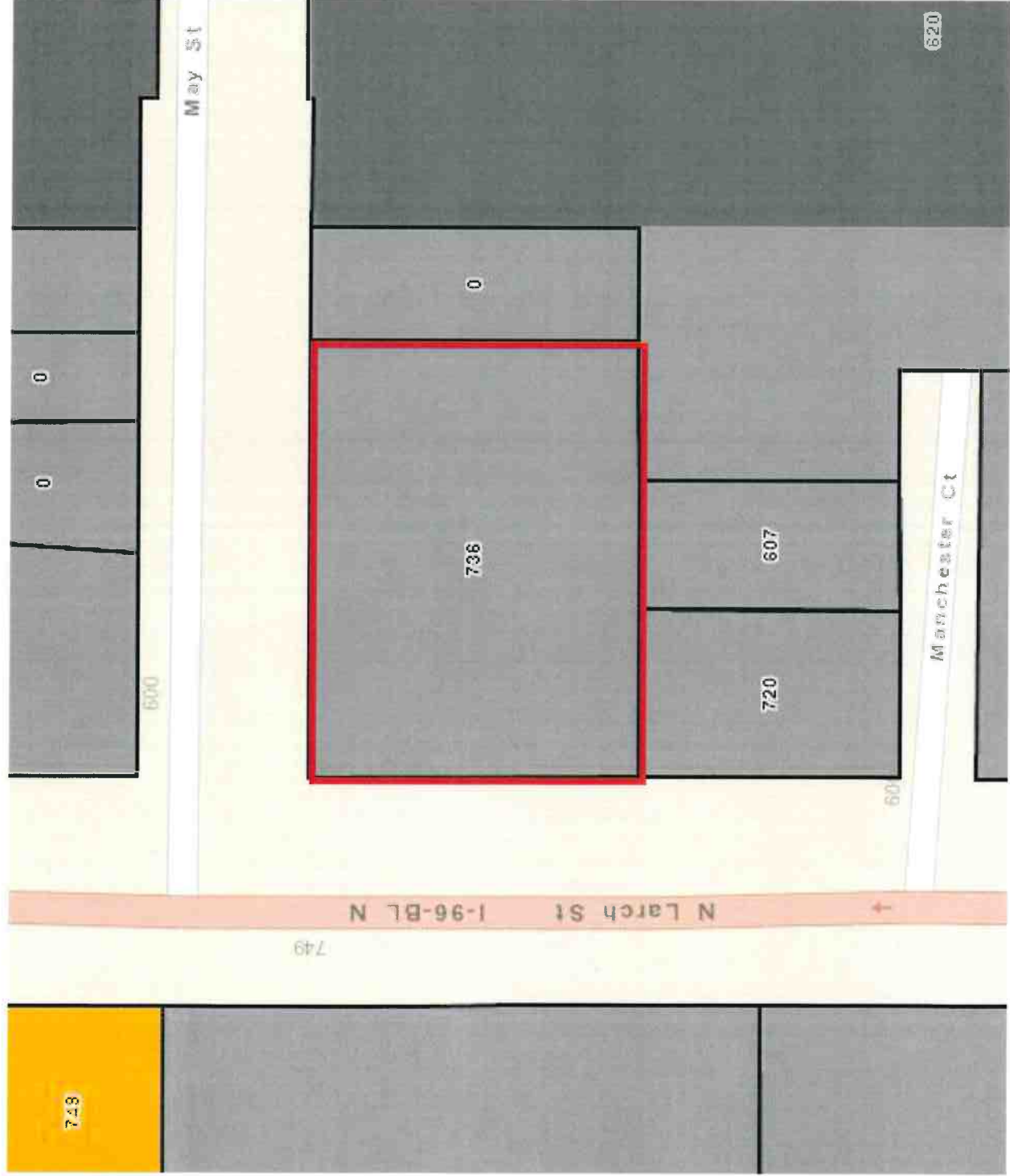


2 FENCE DETAIL
A16 AMICO SECURITY FENCE

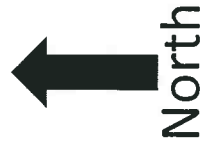




City of Lansing Zoning Map



Zoning District	
	A Residential-Single
	B Residential-Single
	C Residential-2 Unit
	NONE
	CUP Community Unit Plan
	D-1 Professional Office
	D-2 Residential/Office
	DM-1 Residential-Multiple
	DM-2 Residential-Multiple
	DM-3 Residential-Multiple
	DM-4 Residential-Multiple
	E-1 Apartment Shop
	E-2 Local Shopping
	F Commercial
	F-1 Commercial
	G-1 Business
	G-2 Wholesale
	H Light Industrial
	I Heavy Industrial
	J Parking
	ROW Right of Way



**MINUTES OF REGULAR MEETING
BOARD OF ZONING APPEALS
THURSDAY, January 14, 2021, 6:30 P.M.**

The meeting was conducted as an online teleconference in compliance with
State of Michigan Executive Order No. 2020-154, to allow for the continued operation of the City
while complying with Executive Order No. 2020-160.

I. ROLL CALL

The meeting was called to order by Marcie Alling at 6:30 p.m. Roll call was taken.

Present: M. Alling, J. Hovey, J. Leaming, M. Rice, K. Berryman, Chris Iannuzzi, R. Fryling, M. Solak & E. Jefferson

Absent: None

Staff: S. Stachowiak & A. Fedewa

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

II APPROVAL OF AGENDA

It was moved by Mr. Leaming, seconded by Mr. Fryling to approve the agenda as presented. On a voice vote, the motion carried 9-0.

III. PUBLIC COMMENT

IV. PUBLIC HEARING/ACTION

A. BZA-4066.20, Variance to the setback requirement for a ground sign at 516 W. Saginaw Street

Ms. Stachowiak said that this is a request to permit a 6 foot high, 20 square foot ground sign at 516 W. Saginaw Street (Walnut Manor Apartments) that would have a setback of 7 feet from the front property line. Section 1442.12(h)(2)(B)(2) of the City of Lansing Sign Ordinance requires a 20 foot front yard setback for ground signs in multiple family residential zoning districts. A variance of 13 feet to the setback requirement for a ground sign is therefore, being requested. Ms. Stachowiak stated that the staff recommendation is to approve the variance based on a finding that the request complies with all of the applicable criteria of Sections 1244.06 (c) and 1244.06 (e) of the Zoning Ordinance, as described in the staff report for this request.

Ms. Stachowiak said that there is no location on the site where the sign could be located in compliance with the 20 foot setback where it would be visible to eastbound traffic. She said that the site was constructed several decades before the applicant took possession of the property and thus, the applicant had no control over the layout of the site and could not plan for a location that would accommodate a sign in compliance with current sign ordinance requirements. She also said that the site is unique in that it is zoned residential but is located on a major thoroughfare where most of the properties are zoned commercial. Ms. Stachowiak stated if the subject property was zoned commercial, the proposed setback would be adequate to comply with the ordinance requirement for the dimensions of the proposed sign.

Ms. Alling opened the public hearing.

Kevin Carney, Rohde Construction Company, Inc., contractor for the rehabilitation project at 516 W. Saginaw, spoke on behalf of the applicant. Mr. Carney said that the sign will be angled to provide adequate exposure to eastbound traffic on Saginaw Street. He also said that a wall sign would not be sufficient to identify the building because it would be obscured by a tree during the growing season.

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

Mr. Berryman asked about the existing sign on the site.

Ms. Stachowiak stated that it is just a temporary sign identifying the entities/agencies that participated in rehabilitation project. She said that it will be removed when the new sign is erected.

Mr. Rice stated that he is supportive of the variance. He said that the site is unique in that there is not adequate room on the lot to accommodate a sign in compliance with the setback requirement. He said that it is also unique by being subject to a greater setback than the most other properties along W. Saginaw because of its residential zoning.

Mr. Leaming agreed with Mr. Rice that the layout of the site presents a practical difficulty for the applicant with regard to installation of a sign in compliance with the 20 foot setback requirement.

Mr. Hovey made a motion, seconded by Ms. Jefferson to approve BZA 4066.20 for a variance of 13 feet to the setback requirement to permit a 6 foot high, 20 square foot ground sign at 516 W. Saginaw Street that would have a setback of 7 feet from the front property line, on a finding that the variance is consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as described in the staff report for this application. On a roll call vote, the motion carried unanimously (9-0).

V. **OLD BUSINESS** - None

VI. **NEW BUSINESS** – None

VII. **APPROVAL OF MINUTES**

A. **Regular Meeting, September 10, 2020**

Mr. Rice made a motion, seconded by Mr. Leaming to approve the minutes from the September 10, 2020 meeting. On a voice vote, the motion carried unanimously (9-0).

VIII. **PUBLIC COMMENT**

IX. **ADJOURNMENT AT 6:45 p.m.**

Respectfully Submitted,