

MINUTES OF REGULAR MEETING - *Approved 6/10/21*
BOARD OF ZONING APPEALS
THURSDAY, February 11, 2021, 6:30 P.M.

The meeting was conducted as an online teleconference in compliance with the Open Meetings Act, as amended, and to follow recommendations by the Centers for Disease Control and other public health agencies concerning the COVID-19 pandemic.

I. ROLL CALL

The meeting was called to order by Marcie Alling at 6:33 p.m. Roll call was taken.

Present: M. Alling, J. Hovey, J. Leaming, M. Rice & R. Fryling

Absent: K. Berryman, Chris Iannuzzi, M. Solak & E. Jefferson

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. Rice, seconded by Mr. Hovey to approve the agenda with the addition of "Excused Absences" under New Business. On a voice vote, the motion carried 5-0.

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North & West of 1100 W. Saginaw – Variances to the allowable density for a proposed 67 unit apartment building – WITHDRAWN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

Ms. Stachowiak said that this is a request by Loud Labs of Michigan to permit a 6 foot high chain-link fence topped with 3 strands of barbed wire around the perimeter of the property at 736 N. Larch Street which 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. Ms. Stachowiak stated that the staff recommendation is to deny the variances based on a finding that the requests do not comply with 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 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. She said that the ordinance regulating barbed wire fences has not changed and the adjoining residential uses existed long before the subject property

was converted to a processing facility. Ms. Stachowiak said that 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.

Ms. Alling opened the public hearing.

John Berry, 736 N. Larch Street, spoke in support of his request. Mr. Berry stated that there are not many options when it comes to finding properties that are zoned for marijuana processing facilities. He said that the barbed wire fence is needed to provide adequate safety for him and his employees and to secure the property to prevent against theft and vandalism. Mr. Berry said that he has had problems with vagrants loitering and has found heroin needles and crack pipes on his property. He said that he was told that he could only have a 3 foot high fence on the property.

Ms. Stachowiak said that they fence could be surrounded by a 6 foot high chain-link fence. She said that the issue is the barbed wire.

Mr. Hovey asked Mr. Berry if he would be satisfied with a 6 foot high fence, without barbed wire.

Mr. Berry said that while he would prefer to have the added protection of barbed wire, a 6 foot high fence would be acceptable.

Jason Kildea, Gillespie Group, representing the owner of the residential properties to the south and east of 736 N. Larch Street, stated that he appreciates the investment that the applicant has made into his property and understands the need for security but that a barbed wire fence would not be appropriate in such close proximity to residential properties. Mr. Kildea said that having a barbed wire fence on the common property line may discourage potential tenants from wanting to pay \$1,200-\$1,500 monthly rent to live in their buildings. He said that the applicant knew that there were adjoining residential properties when he selected his site for a processing center. Mr. Kildea said that he is not opposed to a fence on the property line but would ask that it be of a style that is appropriate for adjoining residential uses.

Kristi Marciniac, Monroe Street, stated that she can see the property from her home and is opposed to the barbed wire fence as it would send a negative message about the neighborhood. She asked if there is a security guard on the property.

Mr. Berry said that the business has been operating on the site since September of 2020. He said that they do not have a security guard on the property but they do work with the police to address security issues. Mr. Berry said that they are not open to the public. He also said that there is a junk yard in the area and a property that is surrounded by a barbed wire just a short distance down the street.

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

Mr. Leaming said that this is an unfortunate circumstance with there being limited areas in the City to locate a marijuana processing facility. He said that he supports the staff recommendation to deny the variance as it was incumbent on the applicant to take into consideration that establishing the facility on a site with adjoining residential properties would likely come with restrictions on barbed wire fencing.

Mr. Rice stated that he also supports the staff recommendation. He said that the applicant, by located his business next to residential properties, created the hardship that is being used as a basis for the variance.

Mr. Hovey agreed. He said that the applicant will still be able to surround the property with a fence but without barbed wire. Mr. Hovey encouraged the applicant to consider a fence that would fit in with adjoining residential properties.

Mr. Fryling stated that he cannot support the use of barbed wire on a fence that would be located on the common property line of adjacent residential properties.

Ms. Alling agreed. She also encouraged the applicant to consider a better looking fence than 6 foot high chain-link so that it would fit in better with the residential area.

Mr. Rice made a motion, seconded by Mr. Hovey 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. On a roll call vote, the motion carried unanimously (5-0).

V. OLD BUSINESS - None

VI. NEW BUSINESS

A. Excused Absences

Mr. Hovey made a motion, seconded by Mr. Rice to approve excused absences for Mr. Iannuzzi, Mr. Solak & Ms. Jefferson.. On a voice vote, the motion carried unanimously (5-0).

VII. APPROVAL OF MINUTES

A. Regular Meeting, January 14, 2021

Mr. Leaming made a motion, seconded by Mr. Hovey to approve the minutes from the January 14, 2021 meeting. On a voice vote, the motion carried unanimously (5-0).

VIII. PUBLIC COMMENT

IX. ADJOURNMENT AT 7:09 p.m.

Respectfully Submitted,

Susan Stachowiak, Zoning Administrator