
MINUTES OF REGULAR MEETING – *Approved 8/12/21*
BOARD OF ZONING APPEALS
THURSDAY, June 10, 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 6:35 p.m. Roll call was taken.

Present: M. Alling, M. Rice, K. Berryman, Chris Iannuzzi & E. Jefferson

Absent: M. Solak, B. Fryling, J. Hovey & J. Leaming

Staff: S. Stachowiak & A. Fedewa

A quorum of at 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 Ms. Jefferson 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-4069.21, 409 W. Sheridan Road - Variance to the allowable width of a driveway in a residential front yard

Ms. Stachowiak stated that this is a request by John Walker for a variance to permit a parking space in the front yard at 409 W. Sheridan Road that would result in the driveway at this location being approximately 28 feet wide within the front yard. Section 1254.01.17(b) of the City of Lansing Zoning Ordinance restricts the width of residential driveways in front yards to 12 feet, or to the width of a garage (there is no garage on the subject property). A variance of 16 feet to the allowable width for a driveway within a front yard is therefore, being requested. Ms. Stachowiak stated that the staff recommendation is to deny the variance on a finding that the request does not comply with the variance evaluation criteria described in Sections 1274.06 (c) & (e) of the Zoning Ordinance.

Ms. Stachowiak stated that the parking area in the front yard at 409 W. Sheridan Road is contrary to the intent and purpose of the ordinance and thus, approval of the variance would set a negative precedent for future requests of a similar nature. She explained that the basis for the applicant having installed the concrete in the front yard is to provide better access to the front door for a disabled relative that lives in the house. Ms. Stachowiak said that a photograph of the property taken by the Assessor’s Office shows a handicap ramp leading from the front door to the sidewalk and a gravel landscape area in front of the house. In a recent photograph of the property, the handicap ramp has been removed and the area where it was along with the gravel area have been paved with concrete. She said that there does not appear to

be a sufficient basis for approval of the variance since the distance from the paved driveway along the west side of the house to the front porch is approximately 15 feet and there is a concrete walkway between the 2 points.

Ms. Alling opened the public hearing.

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

Mr. Rice asked how the ramp was able to be constructed and the gravel placed in the front yard.

Ms. Stachowiak said that the ramp was not legal to extent that it emptied onto the public sidewalk but she is not sure how that was able to be constructed. She said that the recently repealed zoning ordinance allowed the gravel, although not for parking.

Mr. Berryman asked is the pavement would have to be removed if the variance is denied.

Ms. Stachowiak said that it would have to be removed.

Mr. Rice stated that the request does not comply with the criteria that is used to evaluate variances and thus, it should not be approved. He also said that the applicant already has a driveway that is of sufficient size and since there is nothing unique about the property to warrant the variance, approval may set a negative precedent for future requests to permit parking in a front yard.

Ms. Alling agreed with Mr. Rice. She said that the situation is unfortunate but there just is not any justification for granting the variance. She also said that perhaps the applicant could construct a new ramp that provides better access to the home for the person who is disabled.

Ms. Jefferson made a motion, seconded by Mr. Rice to deny BZA 4069.21 for a variance of 16 feet to the allowable width for a driveway in the front yard at 409 W. Sheridan Road, on a finding that the request does not comply with the variance evaluation criteria described in Sections 1274.06 (c) & (e) of the Zoning Ordinance. On a roll call vote, the motion carried unanimously (5-0).

B. BZA-4070.21 –815 Jessop Avenue - Variances to the side and rear yard setbacks to permit the construction of a single family residential house

Ms. Stachowiak said that this is a request by Raymundo Garcia for variances to permit the construction of a new single family dwelling at 815 Jessop Avenue that would have a setback of 4.7 feet from the side/east property line and a setback of 22.6 feet at its nearest point to the rear lot line. Section 1244.08.03(b) of the City of Lansing Zoning Ordinance requires a rear yard setback of 30 feet and a side yard setback of 10 feet. Variances of 7.4 feet to the rear yard setback requirement and 5.3 feet to the side yard setback requirement are therefore, being requested. Ms. Stachowiak stated that the staff recommendation is to approve the variances based on a finding that the request complies 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 uniqueness in this case involves the uncommonly small

size and irregular shape of the lot which prevents it from being reasonably developed for the intended single family residential use without variances to the setback requirements. She said that the proposed house is 28 feet wide by 38 feet deep (1,064 square feet) which is a very reasonable size. She also said that, as evidenced by the parcel map in the packet, there are a few other lots in the area that are smaller and have an irregular shape. The majority of the lots, however, are rectangular and have a depth of 105 feet. Ms. Stachowiak said that if the subject property had the same shape and dimensions/size, no variances would be necessary in this case.

Ms. Stachowiak stated that the lots along Jessop Avenue were platted in the 1920's when setback requirements and minimum lots sizes were much less restrictive. Under the current City ordinances, a new single family residential lot would have to be at least 60 feet wide at the 20 foot front yard setback line and the entire lot must be at least 100 feet in depth. Ms. Stachowiak said that if the subject property complied with current lot size requirements, no variances would be necessary in this case.

Ms. Stachowiak said that the setbacks are measured from the nearest point of the house to the nearest point on the lot line(s). She said that, as depicted on the site layout, the majority of the proposed house will comply with the required setbacks. It is only the areas highlighted in red that encroach into the setbacks and that is a direct result of the irregular shape of the lot. Ms. Stachowiak said that the encroachments are minimal and without setback variances, the lot would be rendered virtually unbuildable.

Ms. Alling opened the public hearing.

Patrick Lee, 821 Jessop Avenue, spoke in opposition to the variances. Mr. Lee said that he owns the property directly adjacent to 815 Jessop and when he purchased the property, he was told that the property was not buildable. He said that the variances would allow for a house to be squeezed in on the property which will negatively change the character of the area.

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

Ms. Alling asked Ms. Stachowiak if the City sold the property to the current owner.

Mr. Fedewa said that he looked it up on the Assessor's records and it was sold to the current owner by Ingham County in May of this year.

Mr. Rice stated that the request seems to comply with the criteria used to evaluate variances. He said that the owner of a property has a right to develop it in a reasonable manner and the reason for variances is when that cannot occur because of a unique feature of the site such as irregular shape. He also said that the lot was platted along time ago, so the current owner did not create the situation that warrants the variances.

Mr. Rice made a motion, seconded by Ms. Jefferson to approve BZA 4070.21 for variances of 7.4 feet to the rear yard setback requirement and 5.3 feet to the side yard setback requirement to permit the construction of a single family residential home on the property at 815 Jessop Avenue, on a finding that the request complies the variance evaluation criteria described in Sections 1274.06 (c) & (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. Iannuzzi made a motion, seconded by Mr. Rice to approve excused absences for Mr. Solak & Mr. Fryling. On a voice vote, the motion carried unanimously (5-0).

B. Return to in-person meetings

Ms. Stachowiak stated that beginning July 12, 2021, the City will return to in-person meetings. She said that July BZA meeting is on the 8th so the first in-person meeting will be in August. Ms. Stachowiak said that the meetings will be held at the Neighborhood Empowerment Center and she will try to book them in the training room so there is more space for everyone to spread out.

VII. APPROVAL OF MINUTES**A. Regular Meeting, February 11, 2021**

Ms. Stachowiak said that the minutes need to be corrected to reflect that Mr. Berryman was granted an excused absence.

Mr. Iannuzzi made a motion, seconded by Mr. Rice to amend the minutes to reflect that Mr. Berryman was granted an excused absence. On a voice vote, the motion carried unanimously (5-0).

Mr. Rice made a motion, seconded by Mr. Berryman to approve the February 11, 2021 meeting minutes, as amended. On a voice vote, the motion carried unanimously (5-0).

VIII. PUBLIC COMMENT**IX. ADJOURNMENT AT 7:07 p.m.**

Respectfully Submitted,

Susan Stachowiak, Zoning Administrator