



Andy Schor
Mayor

**LANSING BOARD OF ZONING APPEALS
REGULAR MEETING
DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING
THURSDAY, November 11, 2021, 6:30 PM
600 W. Maple (Neighborhood Empowerment Center)**

Due to public safety concerns resulting from the COVID-19 pandemic, this meeting will be accessible to the public via Microsoft Teams by clicking on this [hyperlink](#) or via Zoom Conferencing by clicking on the following link: <https://us02web.zoom.us/j/86867723941>

AGENDA

- I. **ROLL CALL**
- II. **APPROVAL OF AGENDA**
- III. **PUBLIC COMMENT**
- IV. **PUBLIC HEARING/ACTION**
 - A. BZA-4074.21, 3101 Technology Blvd.- Variance to the setback requirement for a ground sign
- V. **OLD BUSINESS**
 - A. BZA-4058.20, 1015 Westmoreland Avenue, Variances to permit a bicycle sales & repair business with outdoor storage as a home occupation
- VII. **NEW BUSINESS**
- VI. **APPROVAL OF MINUTES**
 - A. Regular Meeting, October 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/OWNER: McLaren Greater Lansing
401 W. Greenlawn Avenue
Lansing, MI 48910

REQUESTED ACTION: Variance to the setback requirement for a ground sign

EXISTING LAND USE: Hospital under construction

EXISTING ZONING: "INST-1" Suburban Institution

PROPOSED ZONING: No change

PROPERTY SIZE & SHAPE: Irregular Shape - 42.97 Acres

SURROUNDING LAND USE: N: University Club/Single Family Residence
S: Offices
E: Offices/Vacant
W: Freeway/Single & Multi-Family Residential

SURROUNDING ZONING: N: "INST-1" Suburban Institution
S: "INST-1" Suburban Institution
E: "INST-1" Suburban Institution
W: "MFR" Multiple Family Residential

MASTER PLAN DESIGNATION: The Design Lansing Comprehensive Plan designates the subject properties for "Research & Development" uses. Forest Road and Collins Road are both designated as collector roads.

REQUEST

This is a request by McLaren Greater Lansing to permit a 14-foot high, 131.37 square foot ground sign at 3101 Technology Blvd., (site of the future McLaren Hospital facilities) that would have a setback of 7 feet from the property line along Forest Road. Section 1442.12(h)(3)(A)(3) of the City of Lansing Sign Ordinance requires a setback of 26 feet for a ground sign of these dimensions. A variance of 19 feet to the required setback is therefore, being requested.

Required	Proposed	Variance
26-foot setback	7-foot setback	19 feet

ANALYSIS

Sections 1274.06 (c)(1-4) and (e)(1-4) of the Zoning Code set forth the criteria and standards 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 new McLaren hospital is well under construction at the southwest corner of Forest and Collins Roads. Permits have been issued for all of the signs, except the one that is the subject of this request. The hospital will be installing signs at each of the entrances to the property directing traffic to the various facilities such as the emergency room, the outpatient care center, the parking deck, etc. The new hospital includes several buildings, uses within the various buildings and designated parking lots in a campus-like setting. Unlike most signs that are just intended to advertise a particular business, the hospital signs are important so that visitors are directed to the appropriate location within the site. Visitors to hospitals depend on signage at the entrances and it is essential that it is in a very visible location for motorists.

The proposed sign that is the subject of this variance request will be located at the Forest Road entrance to the site (see attached site plan). The access to Forest Road where the sign will be located is a private driveway and the sign will be located in the boulevard at the entrance. The required setbacks for ground signs are based on the size and height of the sign. The proposed sign will be 14-foot high and 131.37 square feet in area which requires a 26-foot setback from the property line along Forest Road. Since the proposed setback is 7-feet, a variance of 19 feet is required.

The reason for the reduced setback is that if the sign were to be moved any further back from the property line along Forest Road, it would be located directly above underground electrical units which would not be permitted by the Lansing Board of Water & Light. If the sign were to be moved back far enough that it would be beyond the underground electrical corridor, it would not be easily visible from the street and would not serve its intended and very important purpose which is to direct motorists to the various facilities within the site.

The underground electric service presents a true practical difficulty for the applicant in complying with the setback requirement for the proposed sign. The electrical service cannot be relocated and a sign cannot be placed within the area of the site that it consumes. Since this practical difficulty is unique to the area of the site where it is essential for a sign to be located, the relief to the setback requirement as requested by the applicant is warranted.

Impact Criteria

The Ordinance also establishes four standards under Section 1274.06(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.**

Not applicable.

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 purpose of the proposed sign is to direct motorists entering the site to their intended destination which will have a positive impact on traffic in the area. In addition, the sign will be located far enough back on the site that it will in no way impede visibility for motorists exiting the site at the driveway where it intersects with Forest Road.

3. **The use will be designed to eliminate a possible nuisance emanating therefrom.**

The variance will not generate any nuisances for the area in which it is located. The dimensions of the proposed sign and the proposed location are appropriate and necessary to convey the directional information that the sign will provide.

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.

FINDINGS

This is a request by McLaren Greater Lansing to permit a 14-foot high, 131.37 square foot ground sign at 3101 Technology Blvd., (site of the future McLaren Hospital facilities) that would have a setback of 7 feet from the property line along Forest Road. Section 1442.12(h)(3)(A)(3) of the City of Lansing Sign Ordinance requires a setback of 26 feet for a ground sign of these dimensions. A variance of 19 feet to the required setback is therefore, being requested.

The information supports a finding that the requested variance is consistent with the variance evaluation criteria set forth in Sections 1274.06 (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 approve BZA 4074.21 for a variance of 19 feet to the required 26 foot setback for a 14-foot high, 131.37 square foot ground sign at the intersection of Forest Road and the driveway to the property at 3101 Technology Boulevard, on a finding that the request complies with the variance evaluation criteria listed in Sections 1274.06 (c) & (e) of the Ordinance."

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

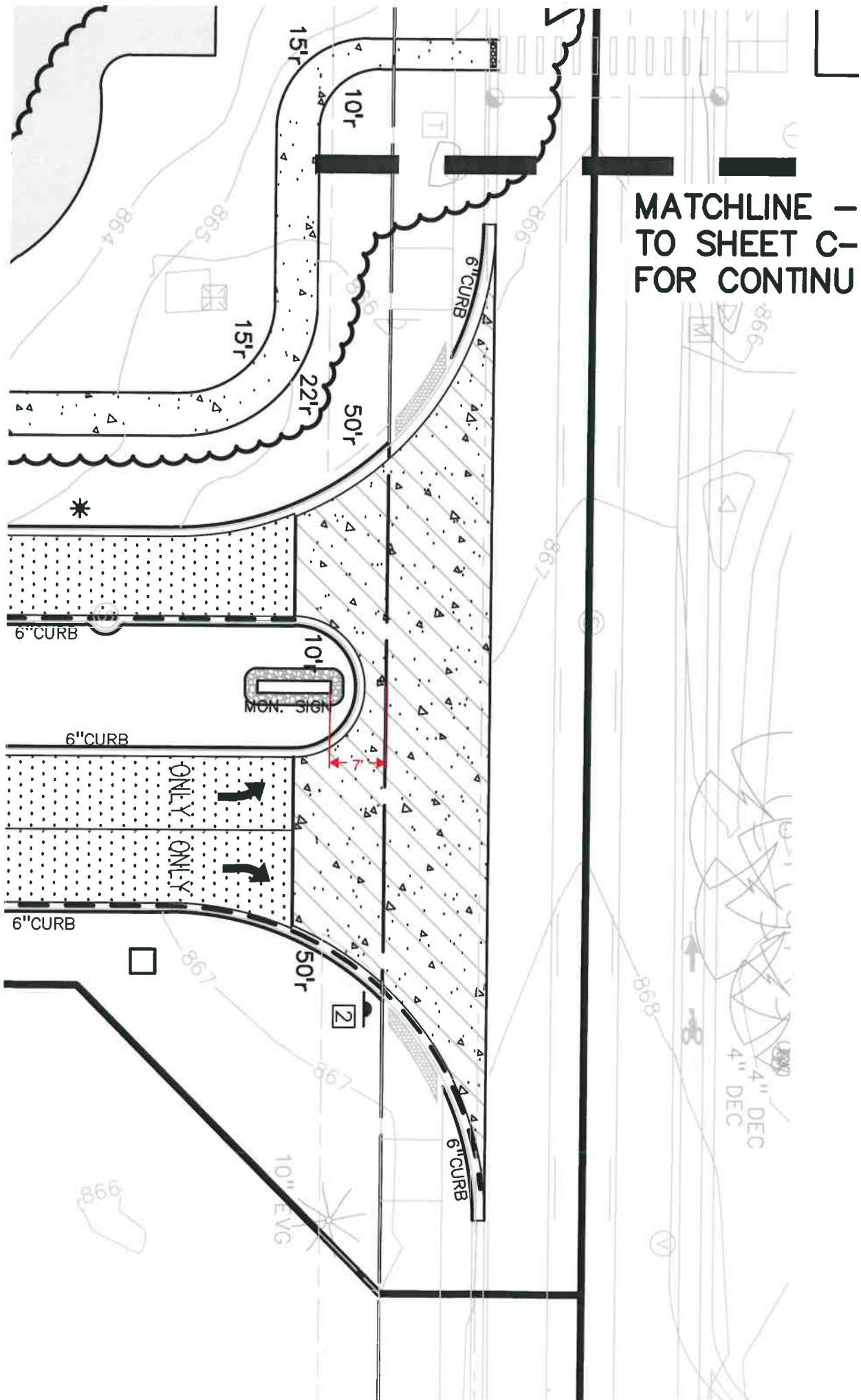


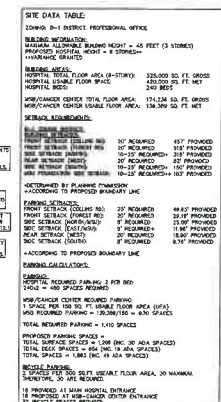
- ☒ 120v
☐ 277v
☒ LED
☒ Ext.
☐ Int.


 Project #: _____
 Date In: _____
 Substrate: _____
 Color: _____
 Qty: _____
 Head By: _____

☐ Contour Cut
☐ Surface Print
☐ Push-thru
☐ Flat Bed
☐ Reverse Print

MATCHLINE -
TO SHEET C-
FOR CONTINU



[illegible]

C. 87712349

1. **REPAIRS** - We have a large staff of experienced technicians who can handle all types of repairs. We are fully equipped with the latest tools and equipment to ensure the highest quality of work.

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22. **EMPLOYMENT** - We are currently seeking qualified individuals for various positions.

23. **DONATIONS** - We support local charities and community events.

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116. **PRIVACY**

PEA, Inc.
 20255 Rohatke Ct., Suite 180
 Troy, MI 48065-1872
 T 248.689.0000
 F 248.682.1044
 www.peainc.com

Baron **CHRISTIAN** **Malow**

OVERALL SITE PLAN
McLAREN GREATER LANSING
 CITY OF LANSING, ROBINSON COUNTY, MICHIGAN

FILE	PE	LO	D/L	CS	DM	REL
04/08/01	01/05/01	01/05/01	01/05/01	01/05/01	01/05/01	01/05/01

DATE: 08/01/01
 TIME: 10:00 AM
 FILE: 01/05/01
 C:\01050101

C-1.0

GENERAL INFORMATION

APPLICANT/OWNER: Aaron Wallace
1015 Westmoreland Avenue
Lansing, MI 48915

REQUESTED ACTION: Variance to permit a home occupation that involves the outdoor storage/display and sale of bicycles

EXISTING LAND USE: Single Family Residential

EXISTING ZONING: “B” Residential District

PROPERTY SIZE & SHAPE: Rectangular shaped lot
70’ x 120’ = 8,400 square feet

SURROUNDING LAND USE: N: Single Family Residential
S: Single Family Residential
E: Single Family Residential
W: Single Family Residential

SURROUNDING ZONING: N: “B” Residential District
S: “B” Residential District
E: “B” Residential District
W: “B” Residential District

MASTER PLAN DESIGNATION: The Design Lansing Master Plan designates the subject property for low density residential land use. Westmoreland Avenue is designated as a local road.

REQUEST

This is a request by Aaron Wallace to permit the outdoor storage/display of bicycles for sale at 1015 Westmoreland Avenue. Section 1248.03(e) of the City of Lansing Zoning Ordinance permits home occupations in single family residential zoning districts that are conducted entirely within the confines of a dwelling unit and do not involve the sale of goods on the property. The applicant repairs and sells bicycles at 1015 Westmoreland Avenue, a significant amount of which are being stored/displayed outside on the property.

ANALYSIS

Section 1244.06 (c)(1-4) of the Zoning Code sets forth the criteria and standards which must be used to evaluate a variance request. They are: (1) Does a practical difficulty or unnecessary hardship exist; (2) Is the Location, Size and Character in harmony with surrounding uses; and (3) Will the request impact vehicular and pedestrian traffic?

Evaluation Standards:

The applicant is currently operating a bicycle repair and sales business from home at 1015 Westmoreland Avenue. As evidenced by the attached photographs, there is a large amount of bicycles in the yard at this location in violation of the Zoning Ordinance. The applicant was cited by the Planning Office for these violations and in response, filed an application requesting the variances that would be necessary for him to continue using the property to sell/repair bicycles and to store and display them in his yard. Unlike a variance to a dimensional requirement (setback, height, lot size), the applicant's request does not involve establishing a practical difficulty that prevents or makes compliance with the ordinance unreasonable difficult due to a condition (irregular shape, uneven topography, small size) of the lot that is unique in comparison to most other lots to which the ordinance standard applies. In this case, the standard that must be satisfied is a determination as to whether denial of the variances would create an "unnecessary hardship" on the applicant if authorizing the requested variances to allow the sale and outdoor display/storage of bicycles would be consistent with the intent and purpose of the ordinance.

Applicable Ordinance Provisions:

Section 1240.03 of the Zoning Ordinance defines a "home occupation" as:

"A business conducted in a dwelling unit by a person of legal or equitable interest in the dwelling unit."

Section 1248.03(e) of the Zoning Ordinance permits home occupations in single family residential zoning districts, subject to compliance with the following conditions applicable to this request:

- (2) The use of the dwelling unit as a home occupation shall be clearly incidental and subordinate to its use for residential purposes.
- (3) Not more than 20 percent of the gross floor area of the dwelling unit is used in any way for the home occupation.
- (6) The sale of goods does not occur in the dwelling unit or on the lot on which the dwelling unit is located.

The bicycles sales/repair business is not being conducted entirely within a dwelling unit and thus, it does not qualify as a permitted "home occupation" as defined above. Furthermore, even if it were determined that the applicant's business could be considered a home occupation, the sale of bicycles on the property is expressly prohibited and the outdoor storage and display of vehicles is clearly not "incidental and subordinate to its use for residential purposes".

IMPACT STANDARDS

The Ordinance 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 bicycle repair business and the outdoor display and storage of bicycles on the applicant's property is not consistent with the appropriate and orderly development of the neighborhood. The ordinance permits the use of a small portion of a home in single family residential zoning district for business purposes and establishes certain conditions applicable thereto. The intent of the ordinance is to ensure that the business will have no impact on the surrounding neighborhood to the extent that it is not even noticeable that a business is occurring on the property. A typical home occupation would be a resident of a home using a room as an office for an accounting business. Such a business generates very little traffic, no noise or other nuisances, does not involve any changes to the residential appearance of the property that indicates business activity occurring thereon and does not involve outdoor storage or display of any kind. The applicant's business is clearly not consistent with the intent and purpose of the ordinance. The bicycles dominate the appearance of the property in a very negative way and are simply not something that one would reasonably expect to find in a residential neighborhood.

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 requested variance will have no impacts on vehicle or pedestrian traffic.

3. **The use will be designed to eliminate a possible nuisance emanating there from.**

The proposed business has, to the best of our knowledge, not generated any nuisances in terms of noise, light glare, excessive traffic, etc. The bicycle business, however, could be considered a nuisance in general given the appearance of the property, which has the potential to negatively impact property values in the surrounding residential neighborhood. The photographs demonstrate that the bicycle business is completely out of character with a residential neighborhood. Allowing it to continue would be unfair to the neighbors who are not operating businesses, do not use their property as a storage yard and have a reasonable expectation that the City will uphold and enforce the ordinances that are intended to protect the residential character of their neighborhood.

4. **The use will not interfere with or discourage the appropriate development and use of adjacent land and structures or unreasonably affect their value.**

See response to item 1 above. Additionally, since approval of the variances would allow a use that is completely contrary to the intent and purpose of the ordinance, doing so could set a negative precedent for future requests of a similar nature.

FINDINGS

This is a request by Aaron Wallace to permit the outdoor storage/display of bicycles for sale at 1015 Westmoreland Avenue. Section 1248.03(e) of the City of Lansing Zoning Ordinance permits home occupations in single family residential zoning districts that are conducted entirely within the confines of a dwelling unit and do not involve the sale of goods on the property. The applicant repairs and sells bicycles at 1015 Westmoreland Avenue, a significant amount of which are being stored/displayed outside on the property.

The available information does not support a finding that the request is consistent with the criteria set forth in the zoning ordinance for evaluating whether denial of the variances will result in an unnecessary hardship on the applicant.

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 4058.20, a request for variances to permit a bicycle sales business with outdoor storage/display at 1015 Westmoreland Avenue, on a finding that the variances would be contrary to the intent and purpose of the ordinance and therefore, denial of said variances will not constitute an unnecessary hardship on the applicant, as described in the staff report.”

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

Describe or explain your proposal for this property:

attach a separate sheet if more space is necessary

The proposal would be to keep the property as it has been kept for over a decade, and allow me to continue to buy and sell bicycles. The proposal would allow for the storage and sale of bikes in a residential area.

Section # with which this proposal is in conflict: 1248.03 (b) (10) & (15)

If this petition is not granted, explain how your proposal will be affected:

attach a separate sheet if more space is necessary

If the petition is not granted, I will face undue hardship as I will have lost a business that I have operated on the premises for over a decade. Additionally, I will have to remove a substantial number of bikes, which would cause substantial strain. I will be strained physically, as I have a disability which makes long periods of activity difficult, and financially strained as I will have to pay for the removal in addition to losing a source of income.

Items to be submitted with the petition:

- 1 A site plan drawn to a scale of at least 1" = 100' showing the location of all structures, existing and proposed, in relation to the lot lines and access points.
- 2 Flood plain information where applicable.
- 3 Non-refundable fee for processing (7/14/98)

FEES:

Single Family Home Improvement:	\$160.00
Other appeals by acreage:	
Less than one (1) acre:	\$250.00
One (1) to three (3) acres:	\$350.00
Greater than three (3) acres:	\$450.00

A zoning variance means a modification of the strict letter of the zoning or sign codes, being title six and chapter 1442 respectively, of the City of Lansing, granted when, by reason of exceptional conditions, the strict application of the provisions of this chapter result in peculiar or exceptional practical difficulties or unnecessary hardship to the owner of the lot.

Please file this petition with the Planning Office.

Signature of applicant: Am L Wallace

Name: Arion L Wallace

For assistance, please contact:

PLANNING OFFICE
316 N. CAPITOL AVE., SUITE D-1
LANSING, MI 48933-1236
(517) 483-4066
FAX: (517) 483-6036

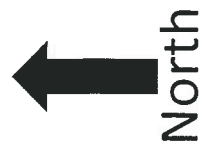








Zoning District	
	A Residential-Single
	B Residential-Single
	C Residential-2 Unit
	NONE
	CUP Community Unit Plan
	D-1 Professional Office
	D-2 Residential/Office
	DM-1 Residential-Multiple
	DM-2 Residential-Multiple
	DM-3 Residential-Multiple
	DM-4 Residential-Multiple
	E-1 Apartment Shop
	E-2 Local 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, October 14, 2021, 6:30 P.M.
600 W. Maple Street, Lansing, MI 48915**

The meeting was also accessible to members of the public via online teleconference in compliance with the Open Meetings Act, as amended.

I. ROLL CALL

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

Present: M. Alling, K. Berryman, C. Iannuzzi, M. Rice & B. Fryling

Absent: M. Solak, J. Leaming, E. Jefferson & J. Hovey

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 Mr. Fryling 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-4073.21, 736 N. Larch Street - Variance to the clear vision requirements for a fence

Ms. Stachowiak stated that this is a request by John Berry to permit a 6-foot-high chain-link fence with screening slats around the perimeter of the property at 736 N. Larch Street. Sections 1250.03.03 (a) & (b) of the City of Lansing Zoning Ordinance prohibit fences above a height of 3 feet that materially obstruct vision within a 25-foot corner clearance area at a street intersection and within a 10-foot corner clearance area at the intersection of driveways and property lines. The applicant is requesting a variance to allow the newly erected 6-foot-high screen fence that projects into the clear visions areas to remain on the property at 736 N. Larch Street. 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. She said that there is nothing unique about the subject property that would warrant approval of the requested variance. She also said that this is a safety issue because the slats in the fence impede visibility for motorists in the area, particularly at the N. Larch/May Street intersection.

Ms. Stachowiak stated that In February 2021, the applicant applied for and was denied a variance to allow barbed wire on the fence at 736 N. Larch. She said that it was made clear at the meeting that a 6-foot-high chain-link fence around the perimeter of the property would be permitted. Ms. Stachowiak stated that the new zoning ordinance

that went into effect on May 1, 2021, does not allow chain-link fences in front yards, even on industrially zoned parcels of land. The applicant's chain-link fence, however, is considered legally nonconforming (grandfathered-in) under the previous ordinance. She said that the slats that were installed on the fence, however, are not grandfathered-in as they would not have been permitted under the previous ordinance. She also said that there was no mention of installing the slats at the February meeting and the applicant did not inquire with the City as to whether the slats would be permitted before installing them on the fence.

Ms. Alling opened the public hearing.

Jake Berry, Denver, Colorado, addressed the Board remotely via Zoom Conferencing. Mr. Berry said that the fence was finally installed after multiple delays involving Covid and a shortage of fence materials/supplies. He said that the intent was always to add shading material to the fence to dissuade break-ins/muggings and other issues that have been experienced in the area. Mr. Berry said that recently spoke with an employee of the Department of Economic Development & Planning and was told that he could not have the shading because the ordinance prohibiting it has recently changed.

Ms. Stachowiak responded that the ordinance did not change with regard to obstructions within the corner clearance areas. She said that the only change was prohibiting chain-link fences in front yards but that is not at issue in this case since the City is permitting the 6-foot-high chain-link fence around the perimeter of the site as agreed to the February meeting. Ms. Stachowiak said that the only issue is the slats in the fence and they would not have been permitted under the previous ordinance either because it is a safety matter.

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

Ms. Stachowiak reviewed the areas outlined on the aerial photograph included in the packet showing the corner clearance/clear vision areas on the site. She said that the fence either needs to be moved out of these areas or the applicant can lower the height of the slats to 3 feet. She explained that the ordinance prohibits anything above a height of 3 feet within the corner clearance/clear visions area.

Mr. Berryman asked what constitutes "opaqueness".

Ms. Stachowiak said that it must be a see-through fence such as chain-link without the screening slats. She said that the ordinance prohibits any obstruction to vision above a height of 3 feet within a corner clearance/clear vision area.

Mr. Rice stated that there is nothing unique about the property that would warrant approval of the variance and thus, he cannot support the variance.

Mr. Berryman made mention of the sign located near the northwest corner of the site and the obstruction that it causes.

Ms. Alling stated that she noticed the sign as well but bringing the fence into compliance with the ordinance will allow motorists to see around the sign.

Mr. Iannuzzi made a motion, seconded by Mr. Rice to deny BZA 4073.21 for a variance to permit the screening slats in the 6-foot-high chain-link fence at 736 N. Larch Street within the corner clearance and clear vision areas described in Sections 1250.03.03 (a) & (b) of the Zoning Ordinance, on a finding that the request does not comply with the variance evaluation criteria listed in Sections 1274.06 (c) & (e) of the Zoning Ordinance. On a roll call vote, the motion carried unanimously (5-0).

Mr. Berryman asked that Ms. Stachowiak work with Mr. Berry on what needs to be done to the fence to bring the fence into compliance with the ordinance and on the time frame to do so.

Ms. Stachowiak assured the Board that she will work with the owner to resolve this matter.

V. OLD BUSINESS - None

VI. NEW BUSINESS

A. Excused Absences

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

B. 2022 Meeting Schedule

Mr. Iannuzzi made a motion, seconded by Mr. Berryman to approve the 2022 BZA meeting schedule as presented. On a voice vote, the motion carried unanimously (5-0).

VII. APPROVAL OF MINUTES

A. Regular Meeting, August 12, 2021

Mr. Rice made a motion, seconded by Mr. Berryman to approve the August 12, 2021 meeting minutes, as presented. On a voice vote, the motion carried unanimously (5-0).

VIII. PUBLIC COMMENT

IX. ADJOURNMENT AT 7:02 p.m.

Respectfully Submitted,

Susan Stachowiak, Zoning Administrator