
MINUTES OF REGULAR MEETING – *Approved 11/17/21*
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