



Andy Schor
Mayor

**LANSING BOARD OF ZONING APPEALS
REGULAR MEETING
DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING
THURSDAY, January 13, 2022, 6:30 PM
600 W. Maple (Neighborhood Empowerment Center)**

AGENDA

- I. ROLL CALL**
- II. APPROVAL OF AGENDA**
- III. PUBLIC COMMENT**
- IV. PUBLIC HEARING/ACTION**
 - A. BZA-4075.21, 545 Paris Avenue - Variance to permit 2 driveways**
 - B. BZA-4058.20, 1015 Westmoreland Avenue, Variances to permit a bicycle sales & repair business with outdoor storage as a home occupation**
- V. OLD BUSINESS**
- VII. NEW BUSINESS**
- VI. APPROVAL OF MINUTES**
 - A. Regular Meeting, November 11, 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: Earnestine Pugh
545 Paris Avenue
Lansing, MI 48910

REQUESTED ACTION: Variance to permit 2 driveways on a single-family residential parcel of land

EXISTING LAND USE: Single Family Residential

EXISTING ZONING: "R-5" Urban Detached Residential

PROPERTY SIZE & SHAPE: Rectangular shaped lot
90' x 108' = 9,720 square feet

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

SURROUNDING ZONING: N: "R-5" Urban Detached Residential
S: "R-5" Urban Detached Residential
E: "R-5" Urban Detached Residential
W: "R=5" Urban Detached Residential

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

REQUEST

This is a request by Earnestine Pugh for a variance to permit two (2) driveways on the property at 545 Paris Avenue. Section 1254.01.17(b)(2) of the City of Lansing Zoning Ordinance permits one (1) driveway on a single-family residential parcel of land. A variance of one (1) to the allowable number of driveways is therefore, being requested.

BACKGROUND INFORMATION

In February of 2020, a City of Lansing Code Enforcement Officer reported to the Planning Office that there were vehicles parked in the yard on the west side of the house at 545 Paris Avenue (see attached photograph). A violation notice was sent to the applicant informing her of the violations which not only involved parking in the yard but also involved the number of vehicles on the property, one or more of which were or appeared to be inoperable. These violations were eventually resolved.

In August of 2021, it was brought to our attention that the paved driveway, which is the subject of this request, was constructed on the west side of the house at 545 Paris Avenue. The curb cut was installed by Consumer's Energy as part of the restoration of the drive approaches along Paris Avenue following completion of a utility project. The applicant installed the driveway at the same time as the curb cut/approach was being installed. According to Consumer's Energy, the applicant asked the contactors to install the 2nd approach on the west side of the house by informing them that a curb cut already or had previously existed on the west side of the house.

The following is a statement from the consulting engineer for the Consumer's Energy project that resulted in the 2nd driveway being installed:

"I spoke with the project manager at Consumers Energy and they indicated that they did not have preconstruction video/photos. However, they indicated that they were approached by the homeowner at 545 Paris and the homeowner claimed that there was a curb cut in that location previously, but when Consumers came through to do work in the past (likely 10+ years ago) they had torn out that opening and when they replaced it they put the full curb head. The Consumers Energy field leader determined it to be true based on certain site conditions and agreed to restore the curb to how it was previously. I took a quick look at a historical Google Street view and it does appear there was a curb cut there in 2007 and it was used as a driveway, but there was never an approach until the work was restored this year."

Inspectors from the City of Lansing Public Service Department have visited the property, both before and after the installation of the 2nd driveway and provided the attached photographs showing that it was not a legal curb cut but rather just a worn down and broken curb from where vehicles had been illegally driving over it to park in the yard on the west side of the house over the past 10 years or so. Even if there was a legal curb cut/driveway several years ago, once it was eliminated, it lost any nonconforming status it may have had and could not be restored since it does not comply with current ordinance standards.

The City of Lansing did not approve the installation of the 2nd driveway/curb cut and sent a violation notice to the applicant once the City was informed that it had been installed. In response, the applicant filed an application for a variance to allow the 2nd driveway to remain on the property. No further enforcement action can or will be taken on this matter until the BZA has made its decision on the variance. Should it be denied, the City will give the applicant a certain amount of time to remove the driveway and if it is not removed, a court order of compliance ticket will be issued to the applicant.

In addition to the 2nd driveway being in violation with the City of Lansing Zoning Ordinance, it is also in violation of the Michigan Administration Code R.247.247 Residential driveways; number and separation, Rule 47 which limits the number of driveways on the subject property to one (1). Even if the variance were to be approved, therefore, the applicant will still need to seek a waiver from Rule 47 before the driveway would be allowed to remain on the property. The attorney representing the applicant has been informed accordingly. Staff is not familiar with the procedure for waiving this requirement but there will be a limited amount of time to do so before the City proceeds with enforcement action through the court system.

PRACTICAL DIFFICULTY OR UNNECESSARY HARDSHIP

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. Approval of a variance must be based upon a determination by the Board that:

1. There is a unique feature of the property, such as irregular size, shape or uneven topography, that either prevents compliance with the ordinance or makes it unreasonably difficult; or
2. Denial of the variance would cause an unnecessary hardship on the applicant since the result of the variance will not be contrary to the intent and purpose of the ordinance, will not set a negative precedent for future requests to vary the ordinance standard and will have no negative impacts on surrounding properties.

There is nothing unique about the subject property that warrants approval of a variance to the allowable number of driveways. The property is perfectly flat, rectangular and well exceeds the allowable size for a single-family residential parcel of land. There are three (3) parking spaces on the site (without the illegally installed 2nd driveway) which exceeds the Zoning Ordinance requirement of two (2) parking spaces for a single-family residential use.

The 2nd driveway is completely contrary to the intent and purpose of the ordinance which is to limit the number of curb cuts/driveways along public streets for the following reasons:

- * Preserve as much green space as possible along roadways for aesthetic purposes and to reduce the amount of run-off into the public sewer system
- * Avoid conflicts to the extent possible with vehicles backing out of driveways
- * Prevent excessive parking on residential lots, particularly within front yards
- * Create a safer environment for pedestrians on the public sidewalk

Since approval of the variance would not be based upon any unique feature the property and since the 2nd driveway is contrary to the intent and purpose of the ordinance, denial of the variance would not cause an unnecessary hardship on the applicant and would in fact, set a negative precedent for approval of other requests to permit 2 driveways on residential parcels of land.

IMPACT STANDARDS

The Ordinance 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 how 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 2nd driveway is not harmonious with the appropriate and orderly development of the area. The properties in the vicinity of 545 Paris Street have only 1 driveway, with the exception of 2 or 3 that have been in existence for a very long time (decades).

If the variance is approved, it is likely that the City will receive other requests from property owners in the area to install a 2nd driveway which will be disruptive to the orderly development of the area and contrary to the intent and purpose of the ordinance provision as described on page 3 of this report.

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 2nd driveway on the applicant's property does not create any hazardous conditions with regard to vehicle or pedestrian traffic in the area. However, approval of the variance would likely result in more requests to permit additional driveways in the area which could create conflicts for vehicles backing out of driveways. Also, limiting the number of driveways creates a safer environment for pedestrians utilizing the public sidewalk.

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

Not applicable.

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. Approval of the variance to permit the 2nd driveway at 545 Paris Avenue will set a negative precedent for similar requests, not just on Paris Avenue but throughout the City of Lansing in general. The City of Lansing frequently receives and has consistently denied requests for additional driveways on single family residential lots.

FINDINGS

This is a request by Earnestine Pugh for a variance to permit two (2) driveways on the property at 545 Paris Avenue. Section 1254.01.17(b)(2) of the City of Lansing Zoning Ordinance permits one (1) driveway on a single-family residential parcel of land. A variance of one (1) to the allowable number of driveways is therefore, being requested.

The available information does not support a finding that the request is consistent with the criteria set forth in the zoning ordinance for evaluating variances.

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 4075.21, a request for a variance to permit two (2) driveways at 545 Paris Avenue, on a finding that the variance does not comply with the evaluation criteria set forth in Sections 1274.06 (c)(1-4) and (e)(1-4) of the Zoning Ordinance.”

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

ROBERT S. ROLLINGER, P.C.

ATTORNEY AT LAW
30500 Northwestern Highway
Suite 500
Farmington Hills, MI 48334
Tel. (248) 626-1133
Fax (248) 851-9421

Robert S. Rollinger*

*Also a member of the District of Columbia Bar

November 8, 2021

Nicholas Montry

Interim Engineering Technician Supervisor
City of Lansing c/o Planning Service Dept.
124 W. Michigan Ave
Lansing, MI 48993

Re: Ms. Earnestine P. Pugh; 545 E. Paris Avenue, Lansing, Michigan

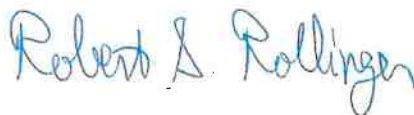
Dear Mr. Montry:

Please be advised that on behalf of the owner of 545 E. Paris Avenue (Ms. Earnestine P. Pugh), I have prepared and will submit to the City of Lansing Planning Department a formal request for a variance to allow for the continuation and existence of the reconstructed westerly driveway that was installed at 545 E. Paris Avenue. This is not a "new driveway location." In fact, Ms. Pugh who owned this property since 1997, purchased it with two (2) separate driveway ingress and egress locations for the property. Consequently, this request for a variance to allow the continuation of the existence of the previous driveway is merely a request to maintain what was "the status quo" before the City of Lansing required its removal. The Consumers Power personnel and contractors are aware of this request being submitted to the Zoning Board of Appeals.

Under the Zoning Enabling Act (ZEA), there is to be no further action taken with regard to the application for reinstatement of the previous driveway, until such time as the Zoning Board of Appeals has made a decision on the request for a variance. It is my understanding that meetings are scheduled once or twice a month. Therefore at this time, I do not know how soon the ZBA will be in a position to consider this request.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Very Truly Yours,



Robert S. Rollinger

ROBERT S. ROLLINGER, P.C.

ATTORNEY AT LAW

30500 Northwestern Highway

Suite 500

Farmington Hills, MI 48334

Tel. (248) 626-1133

Fax (248) 851-9421

RobertS.Rollinger*

*Also a member of the District of Columbia Bar

November 3, 2021

Zoning Board of Appeals
City of Lansing c/o Planning Office
316 N. Capital Ave.
Suite D-1
Lansing, MI 48993

Re: Application for Dimensional Variance for the Property of 545 E. Paris Avenue in
Lansing, Michigan;
Property Owner: Earnestine P. Pugh

Dear Board of Zoning Appeals:

The undersigned is acting as legal counsel to the owner of the subject property at 545 E. Paris Avenue in Lansing, Michigan. Earnestine Pugh has owned the subject property since 1997. At all times since she became the legal owner of the property, the property was served by two separate driveways. One driveway provided ingress and egress to the adjacent abutting garage attached to the single-family residence. The second driveway was located to the west of the single family residence.

This property consists of two adjacent abutting 45-foot wide lots for a total of 90 feet of frontage on and along E. Paris Avenue. The depth of the property is 180 feet.

It should be noted only recently, had the issue of the second driveway been raised by the City of Lansing.

Accidentally, the Consumers Power Company Representatives in the area advised my client that the second driveway had to be removed due to City of Lansing requirements. Prior to this time, the second driveway had been in existence prior to 1997, when the applicant became the legal owner.

The subject property is not the only property which is serviced by more than one driveway. Rather, you will see enclosed copies of photographs identifying other property zoned single family residential properties in proximity to the applicant's property at 545 E. Paris Avenue. Both of these other properties identify the existence of two separate driveway access locations for these other properties.

In other words, this is not a unique situation that had previously existed, prior to the enactment of the limitation/restriction on requiring at least a minimum of 100 feet of frontage for a second driveway.

The applicant is simply seeking to be in the same position that the property was in prior to the removal of the second driveway. This was an inadvertent error, which despite the new ordinance requirements should have been left intact on the property.

This property has been in compliance with the dimensional requirements, which were in effect when the owner purchased the property in 1997. The dimensional requirements recognized a 90-foot width on and along E. Paris Avenue, having been in existence prior to the enactment of the requirements for a 100-foot minimum front footage.

The characteristics of the property are such that the City of Lansing enforcement personnel were satisfied; and, allowed for the existence and continuation of the second driveway until the recent enactment of Mich. Admin. Code R. 247.247.

Because of the length of time that the second driveway had been in existence; had been used; and, had serviced the subject property as an access for ingress and egress, it will not be harmful, nor will it alter the essential character of the area in which the property is located. Clearly, because it had been in existence prior to the construction of the single-family residence to the west; and was therefore already operable and used as a driveway, prior to the construction of the single-family home to the west, it cannot be wrongfully characterized nor challenged as creating any harm or interference with the size, structure, or location of the recently constructed residence to the west.

Allowing the legal reinstatement by granting a zoning variance to allow the second driveway to remain, will not unreasonably increase congestion on the adjacent public street (E. Paris Avenue); nor will allowing the second driveway to remain increase the danger of fire or endanger the public safety. Moreover, it will not unreasonably diminish nor impair established property value within the surrounding area; given the fact that it has been in existence for a period in excess of twenty-five (25) years prior to the enactment of Mich. Admin. Code R. 247.247. It will not, therefore, in any material respect, impair the public health, safety, comfort, or welfare of the inhabitants of the community.

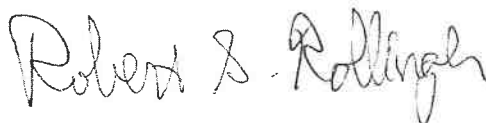
The applicant is furnishing to the Zoning Board of Appeals a survey of the subject property identifying the dimensions of the property; location of the single-family residence; together with photographs depicting the other properties in close proximity, which also have in effect two separate driveways for ingress and egress; neither of which have been challenged, contested, nor forcibly removed.

All the applicant is seeking to do is to reinstate the second driveway, as it has been in existence prior to the enactment of Mich. Admin. Code R. 247.247, so it may continue to be used by the owner of the property.

It is the opinion of the applicant that the requirements to show practical difficulty under the Zoning Board of Appeals requirements have been satisfied; and, it is moved by the applicant to allow for the second driveway at 545 E. Paris Avenue to remain as constructed.

Should there be any questions about this petition and the attachments, please do not hesitate to contact the undersigned.

Very Truly Yours,

A handwritten signature in cursive script that reads "Robert S. Rollinger". The signature is written in dark ink and is positioned above the printed name.

Robert S. Rollinger

CC: Earnestine P. Pugh

**PETITION IN SUPPORT OF THE APPLICATION OF EARNESTINE PUGH IN
OBTAINING A ZONING VARIANCE TO ALLOW FOR THE REINSTALLATION
OF A PRE-EXISTING DRIVEWAY TO AND FROM 545 E PARIS AVENUE IN
LANSING MICHIGAN**

The undersigned being property owners in the City of Lansing, either located on or in reasonable proximity to 545 E Paris Avenue, Lansing, Michigan 48910, does hereby acknowledge the Application being submitted by Earnestine Pugh to the City of Lansing Zoning Board of Appeals to obtain a zoning variance to allow for the reinstallation of a previously existing drive and drive approach to and from her property, which the undersigned hereby agree should be allowed in according with any zoning ordinance requirements and variance standards, which the City of Lansing has adopted, to allow the driveway to remain as it previously existed. We are either property owners or neighbors, who own property on and along E Paris Avenue, or our neighboring streets; and are in close proximity to the property owned by Earnestine Pugh. We believe that this Variance Application Request should be granted as submitted.

Sabrina Fillion
SIGNATURE

551 Paris Ave, Lansing, MI 48910
ADDRESS

Sabrina Fillion
NAME (PRINTED)

23 Dec 2021
DATE

RECEIVED

JAN 06 2022

Robert E Kinney II
SIGNATURE

546 Paris Ave, Lansing, MI 48910
ADDRESS

PLANNING DIVISION

Robert E Kinney II
NAME (PRINTED)

23 Dec 2021
DATE

Walter Thompson
SIGNATURE

546 Paris Ave, Lansing, MI 48910
ADDRESS

Walter Thompson
NAME (PRINTED)

12-23-2021
DATE

Jim John
SIGNATURE

624 Paris, Lansing, MI 48910
ADDRESS

Jim John
NAME (PRINTED)

12-30-21
DATE

Ran Parry 527 Paris, Lansing, MI 48910
SIGNATURE ADDRESS

Robin Gregory 554 Paris ave, Lansing, MI 48910
NAME (PRINTED) DATE
Robin Gregory
SIGNATURE ADDRESS
Scott Gregory
NAME (PRINTED) DATE
1-3-22

Linda O'Dell 542 Denver, Lansing, MI 48910
SIGNATURE ADDRESS
Linda O'Dell 1-3-22
NAME (PRINTED) DATE

Michelle Lehr 542 Denver St, Lansing, MI 48910
SIGNATURE ADDRESS
Michelle Lehr 1-3-22
NAME (PRINTED) DATE

Michael Christie 542 Denver St, Lansing, MI 48910
SIGNATURE ADDRESS
Michael Christie 1-3-2022
NAME (PRINTED) DATE

Clair Kramer 546 DENVER ST, Lansing, MI 48910
SIGNATURE ADDRESS
CLAIR KRAMER 1-3-2022
NAME (PRINTED) DATE

Budget Soul 546 Denver St
BUDGETSOULG 1-3-2022 Lansing mi 48910

January 1, 2022

To whom it may concern:

I am sending my comments in because I'm afraid of retaliation from the party involved.

The question is why do they need another driveway?

By granting this variance you are enabling the son (does not live on the property) to continue to run his car repair / towing / car storage service out of the property. He and these unlicensed tow running vehicles are a nuisance and our neighborhood. He also uses a non licensed flat bed car hauler - speeding in & out blocking our street moving vehicles in and out. This

is a residential neighborhood,
not a junk yard for non licensed
non running vehicles

Some people make the
neighborhood a nice place to
live and some people bring
it down.

Please take my comments into
consideration -

Thank you

Sharon Jean Pomeroy
552 Paris Ave
Jansary, MI 48910
517-256-1996

P.S. We moved in here October 24, 2019
This has been an ongoing problem
as long as we have lived here.

Department of Economic
Development and Planning
Brian McGrain, Director



Planning and Zoning Office
316 N. Capitol Avenue, Suite D-1
Lansing, Michigan 48933
PH: 517.483.4066 – FAX: 517.483.6036
www.lansingmi.gov

February 17, 2020

Ms. Earnestine Pugh
545 Paris Avenue
Lansing, MI 48910

RE: Notice of Violation

Dear Ms. Pugh,

Please be advised that there are vehicles parked on the west side of your house in violation Section 1284 of the City of Lansing Zoning Ordinance. This Section requires that all vehicles be parked on an approved driveway or in a garage. The allowable driveway at 545 Paris Avenue is limited to the paved driveway on the east side of your house and in front of your garage.

In addition, on a parcel of land that is being used for single family residential purposes, the Zoning Ordinance permits a maximum of four (4) *operable* vehicles or one (1) for each licensed driver residing on the premises. There have been more vehicles on your property than what is permitted by ordinance, at least two (2) of which do not appear to be operable.

Please have the number of operable vehicles reduced to four (4) or to the number of licensed drivers residing at 545 Paris Avenue, have all inoperable vehicles removed from the property and have all permissible vehicles parked on the approved/paved driveway or in the garage within fourteen (14) calendar days from the date of this letter. Failure to comply with this notice will result in issuance of a civil fine. In addition, the City will seek a court order of compliance

If you have any questions, please do not hesitate to contact me at 517-483-4085.

Sincerely,

Susan Stachowiak
Zoning Administrator



Andy Schor, Mayor

PUBLIC SERVICE DEPARTMENT

124 West Michigan Avenue
Lansing, Michigan 48933
517-483-4455
FAX: 517-483-6082
www.lansingmi.gov/pubserv



September 1, 2021

Earnestine Pugh
545 Paris Ave
Lansing, MI 48910

The City of Lansing was notified of a new driveway approach installed at 545 Paris Ave. A City of Lansing Engineering Technician visited the location and found this to be correct. The work was performed without a Right-of-Way permit. If a permit were to have been applied for, it would have been denied for the reasons below.

Under Michigan Administration Code R.247.247 Residential driveways; number and separation.

Rule 47. The number of residential driveways permitted shall be determined as follows:

- (a) One residential driveway shall be permitted for each platted lot or for unplatted residential property with less than 100 feet of frontage.
 - (b) One additional residential driveway may be permitted for residential property for each 70 feet of frontage in excess of the first 100 feet of frontage.
 - (c) Two residential driveways may be permitted on the same property, in lieu of the requirements of paragraph (b), to serve a circle driveway if the frontage of the property is 80 feet or more.
 - (d) Residential driveways on the same property shall be at least 45 feet apart, center-to-center.
- The City of Lansing is requiring Consumers Energy contractors to remove the approach and restore the right-of-way accordingly within the next 30 days in order to prevent further enforcement actions. Please contact me with any questions.

The City of Lansing is requiring Consumers Energy contractors to remove the approach and restore the right-of-way accordingly by September 30th, 2021 in order to prevent further enforcement actions. Please contact me with any questions.

Regards,

Nicholas Montry

Interim Engineering Technician Supervisor

Public Service Department – Business, Permits & Technology

124 W. Michigan Ave. | Lansing, MI 48933

O: 517-483-4437 | C: 517-525-9487 | E: nicholas.montry@lansingmi.gov



Facebook.com/LansingPublicService



Twitter.com/LansingPubServ



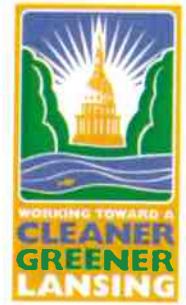
Lansingmi.gov/pubserv



Andy Schor, Mayor

PUBLIC SERVICE DEPARTMENT

124 West Michigan Avenue
Lansing, Michigan 48933
517-483-4455
FAX: 517-483-6082
www.lansingmi.gov/pubserv



September 1, 2021

Mr. Adam Betram
Consumers Energy
530 W. Willow St.
Lansing, MI 48906

The City of Lansing was notified of a new concrete approach placed at 545 Paris Avenue. Our investigation concluded that Consumers Energy contractors were approached by the resident who claimed there was a curb cut previously there due to past Consumers Energy work from 10 years ago. The resident has been contacting the City of Lansing for the last 3 months to have this second driveway installed. This request was denied due to the reasons below.

Under Michigan Administration Code R.247.247 Residential driveways; number and separation.

Rule 47. The number of residential driveways permitted shall be determined as follows:

- (a) One residential driveway shall be permitted for each platted lot or for un-platted residential property with less than 100 feet of frontage.
- (b) One additional residential driveway may be permitted for residential property for each 70 feet of frontage in excess of the first 100 feet of frontage.
- (c) Two residential driveways may be permitted on the same property, in lieu of the requirements of paragraph (b), to serve a circle driveway if the frontage of the property is 80 feet or more.
- (d) Residential driveways on the same property shall be at least 45 feet apart, center-to-center.

This code violation must be corrected. Due to the fact neither Consumers Energy, nor the contractor contacted the City of Lansing prior to placing the new approach, the City of Lansing is requiring Consumers Energy to remove the approach at 545 Paris Avenue by September 30, 2021, and restore the ROW as needed.

Please contact me with any questions.

Regards,

Nicholas Montry

Interim Engineering Technician Supervisor

Public Service Department – Business, Permits & Technology

124 W. Michigan Ave. | Lansing, MI 48933

O: 517-483-4437 | C: 517-525-9487 | E: nicholas.montry@lansingmi.gov



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Twitter.com/LansingPubServ



Lansingmi.gov/pubserv

This aerial photograph was taken prior to installation of the new driveway on the west side of the house.

This photograph shows the illegal parked vehicles on the west side of the house and in the back yard. It also shows that there was not a curb cut in the area where the new one was installed.



North
↓

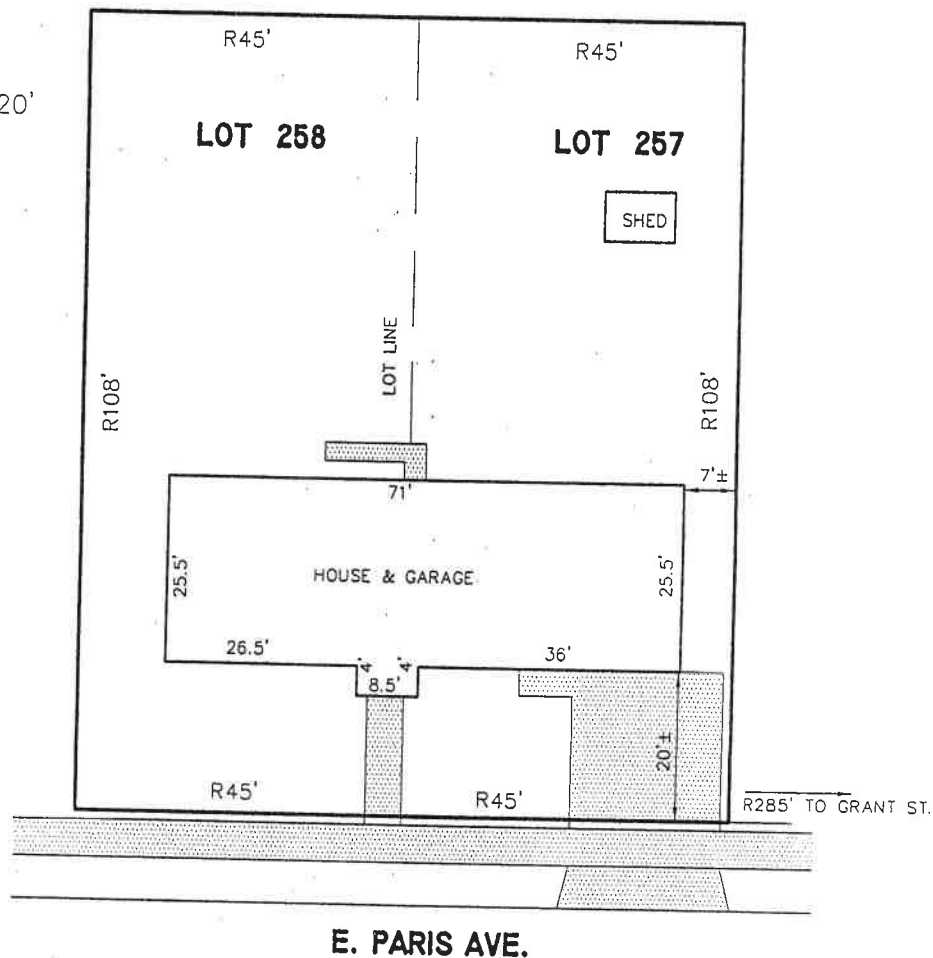
For:
Michigan General Mortgage
1324 Brookside
Lansing, MI 48908

Buyer:
Earnestine P. Pugh
545 E. Paris Avenue
Lansing, MI 48910

Legal description (as provided): Lots 257 and 258 of South Parkwood Subdivision, City of Lansing, Ingham County, Michigan, as recorded in Liber 9 of Plats, Page 28, Ingham County Records.


$$1'' = 20'$$

A LOT SURVEY IS REQUIRED FOR THE EXACT LOCATION OF FENCE AND PROPERTY LINES.



This report is intended solely for mortgage purposes and no property lines were monumented. No dimensions hereon are to be used to establish property lines or in the building of structures or fences. I hereby certify that we have inspected the above described parcel of land and that all visible encroachments of a permanent nature upon said parcel are as shown on this report. Said parcel and or lot subject to all easements and restrictions if any.

R = Recorded Distance
M = Measured Distance
--- = Distance Not to Scale
— = Deed Line
[Patterned Box] = Concrete and/or Asphalt
[Patterned Box] = Deck or Porch

Deck or Porch
LARRY A. BRYAN
PROFESSIONAL SURVEYOR
DATE 9-5-97
No. 25832

BRYAN LAND SURVEYS, P.C.

6019 Marsh Road
Hoslett, Michigan 48840
Ph. (517) 339-1014

204 S. Cochran Ave.
Charlotte, Michigan 48813
Ph. (517) 543-7076

DRAWN BY ARD

SECTION 27, T4N, R2W

FIELD WORK BY MS

JOB NUMBER:

SHEET 1 OF 1

97-M-54804

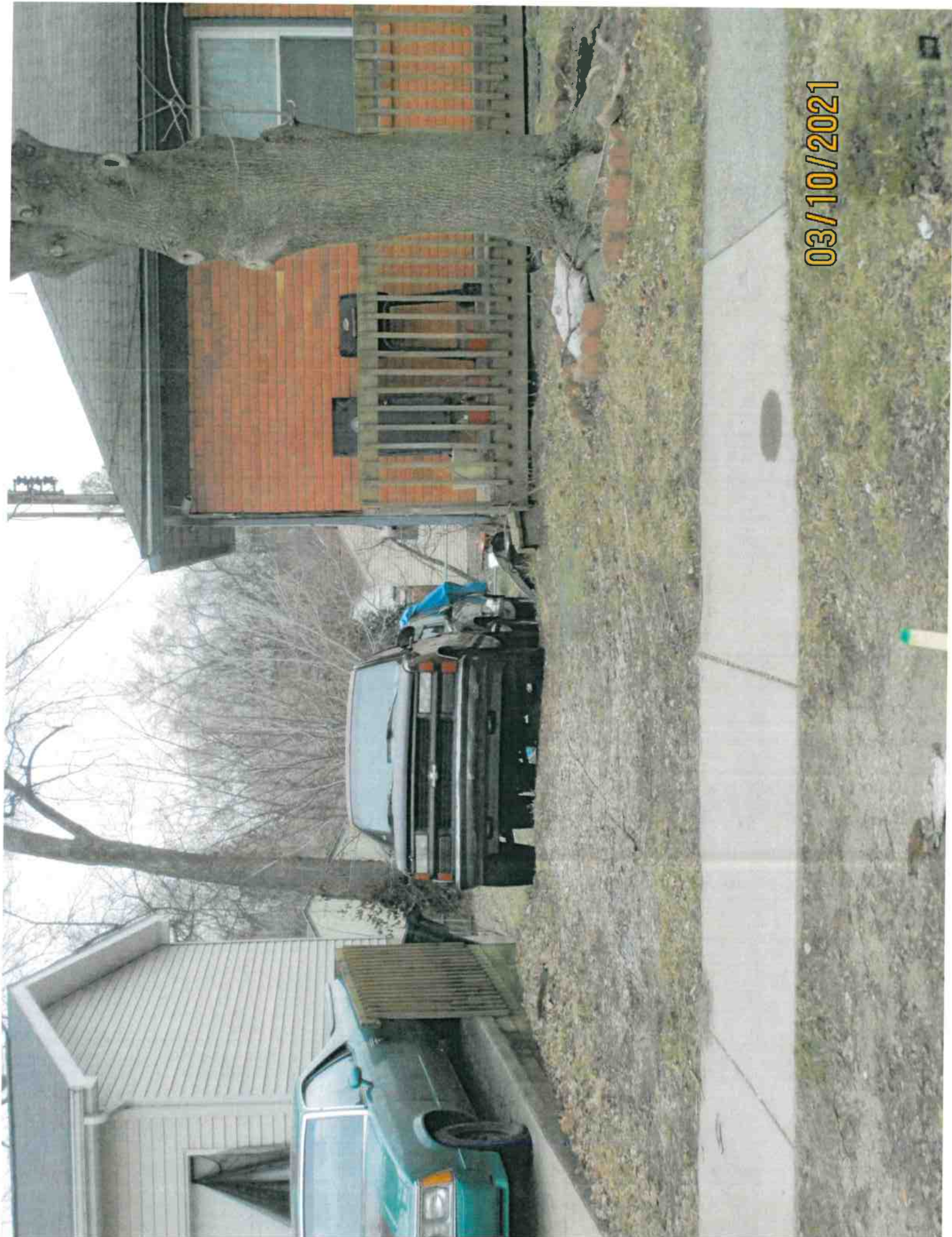


Secondary
Driveway



Curb repaired
(part of utility
road repair)





03/10/2021



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: "R-6A" Urban Detached Residential

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

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

SURROUNDING ZONING: N: "R-6A" Urban Detached Residential
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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 for variances to permit a home occupation that involves the sale and outdoor storage of bicycles at 1015 Westmoreland Avenue. Sections 1250.02.02(f) & (g) of the City of Lansing Zoning Ordinance prohibit the sale of goods and the outdoor storage of goods that are related to a home occupation and not customarily associated with a residential use. The applicant repairs and sells bicycles at 1015 Westmoreland Avenue, a significant number of which are stored outside on the property.

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. Approval of a variance must be based upon a determination by the Board that:

1. There is a unique feature of the property, such as irregular size, shape or uneven topography, that either prevents compliance with the ordinance or makes it unreasonably difficult; or
2. Denial of the variance would cause an unnecessary hardship on the applicant since the result of the variance will not be contrary to the intent and purpose of the ordinance, will not set a negative precedent for future requests to vary the ordinance standard and will have no negative impacts on surrounding properties.

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 unreasonably difficult due to a feature 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 whether denial of the variances would create an "unnecessary hardship" on the applicant by determining that the sale and outdoor display/storage of bicycles would be consistent with the intent and purpose of the ordinance.

Background Information:

The applicant has been operating a bicycle repair and sales business from his home at 1015 Westmoreland Avenue. As evidenced by the attached photographs, there is a very large number of bicycles in the yard at this location in violation of the Zoning Ordinance. The applicant was cited by the Planning Office for the 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. This request was originally placed on the May 14, 2020, BZA agenda but was tabled because the applicant did not have access to a computer to participate in the meeting remotely.

Within the past couple of weeks, the Planning Office has been informed that the applicant is in the process of moving his business to a commercial property on W. Mt. Hope Avenue. As evidenced by the attached photographs, the applicant has removed a great deal of the bicycles from 1015 Westmoreland but still has a very large amount that need to be removed. Since the remaining bicycles are in violation of the ordinance provisions to which variances are being sought, a decision by the Board is still necessary.

Applicable Ordinance Provisions:

Section 1240.04.02 of the Zoning Ordinance defines a 'home occupation' as:

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

Section 1250.02.02 of the Zoning Ordinance permits home occupations in single family residential zoning districts, subject to compliance with the following conditions applicable to this request:

- (b) The use of the dwelling unit as a home occupation shall be clearly incidental and subordinate to its use for residential purposes.

- (c) Not more than 20 percent of the gross floor area of the dwelling unit is used in any way for the home occupation.
- (f) The sale of goods does not occur in the dwelling unit or on the lot on which the dwelling unit is located.
- (g) No parking or outdoor storage of vehicles, goods, materials, or equipment that is directly related to the home occupation and not customarily associated with a residential use.

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 not “customarily associated with a residential use” and clearly not “incidental and subordinate to its use for residential purposes”.

IMPACT STANDARDS

The Ordinance 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 how 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 a 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 for variances to permit a home occupation that involves the sale and outdoor storage of bicycles at 1015 Westmoreland Avenue. Sections 1250.02.02(f) & (g) of the City of Lansing Zoning Ordinance prohibit the sale of goods and the outdoor storage of goods that are related to a home occupation and not customarily associated with a residential use. The applicant repairs and sells bicycles at 1015 Westmoreland Avenue, a significant number of which are stored 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 variances.

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 do not comply with the evaluation criteria set forth in Sections 1274.06 (c)(1-4) and (e)(1-4) of the Zoning Ordinance."

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

TO Whome it may concern,
I am writing this letter on
behalf of Aaron Wallace, it is
fine with us that he stores
and Displays his bikes for sale
at 1015 Westmoreland Ave

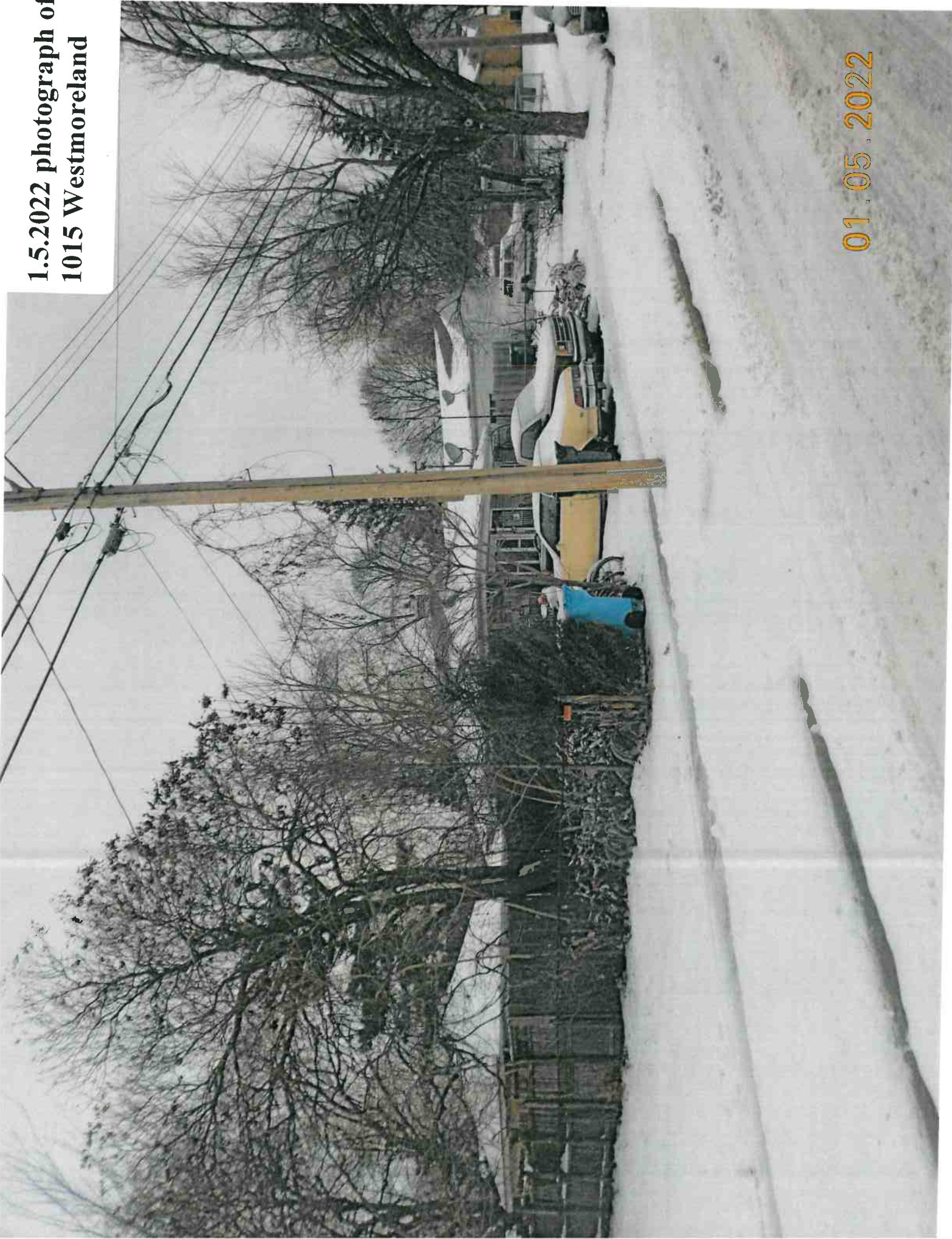
Sincerely,
~~Eric~~ Eric Hedberg & Karen Hed

1.5.2022 photograph of
1015 Westmoreland



01.05.2022

1.5.2022 photograph of
1015 Westmoreland



01_05_2022

1.5.2022 photograph of
1015 Westmoreland



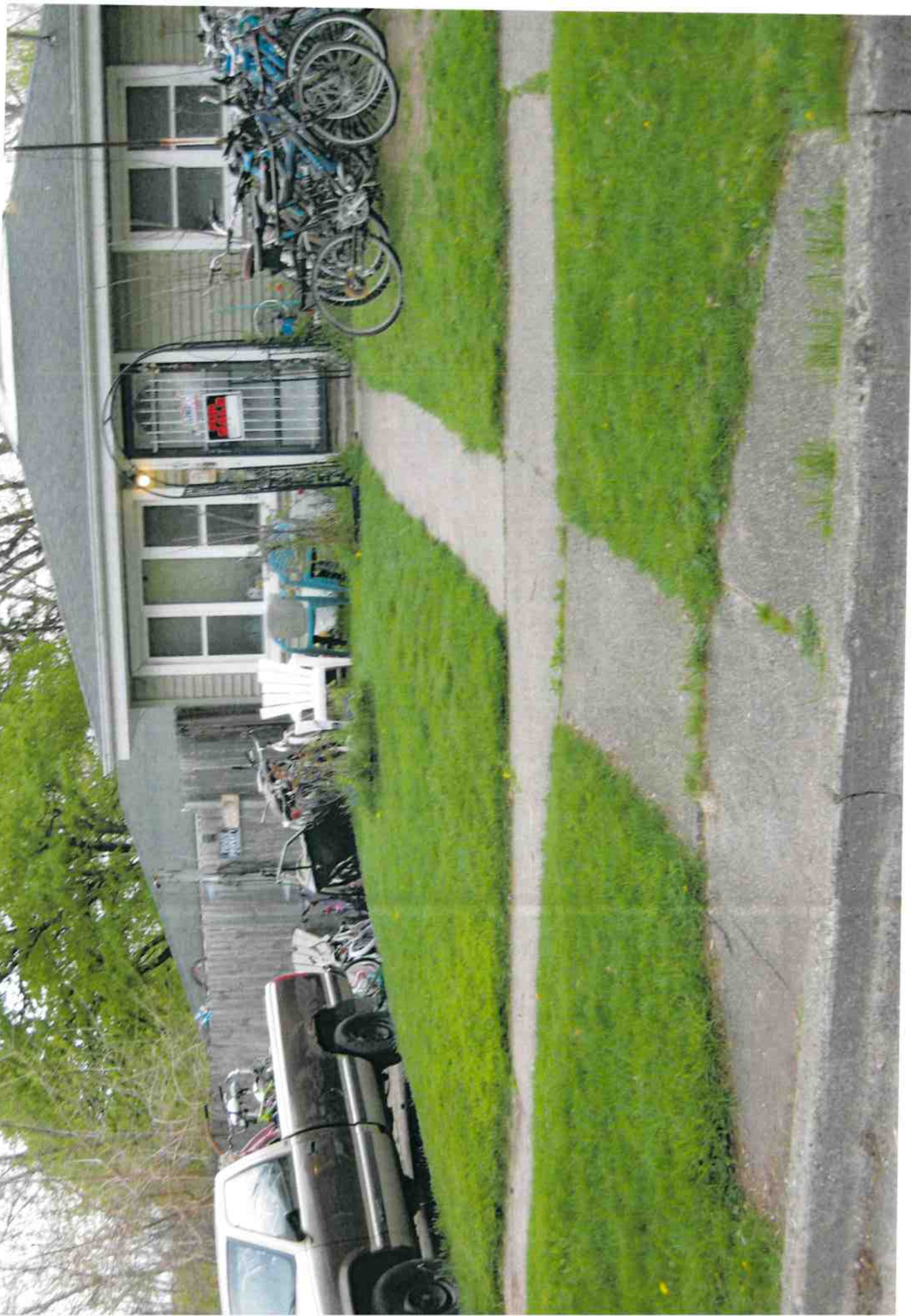
2020 Photograph



2020 Photograph



2020 Photograph



New location on
W. Mt. Hope Avenue
1.5.2022



01.05.2022



**MINUTES OF REGULAR MEETING
BOARD OF ZONING APPEALS
THURSDAY, November 11, 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, E. Jefferson, J. Hovey, J. Leaming & B. Fryling

Absent: M. Solak, K. Berryman, C. Iannuzzi & M. Rice

Staff: S. Stachowiak & A. Fedewa

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

II APPROVAL OF AGENDA

It was moved by Ms. Jefferson, seconded by Mr. Leaming 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-4074.21, 3101 Technology Blvd. - Variance to the setback requirement for a ground sign

Ms. Stachowiak stated that 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. Ms. Stachowiak stated that the staff recommendation is to approve the variance on a finding that the request complies with the variance evaluation criteria listed in Sections 1274.06 (c) & (e) of the Zoning Ordinance.

Ms. Stachowiak stated that the new hospital includes several buildings, various uses within the buildings and designated parking lots in a campus-like setting. She said that 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. Ms. Stachowiak said that visitors to hospitals depend on signage at the entrances and it is essential that it is in a very visible location for motorists.

Ms. Stachowiak said that 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. She said that 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. Ms. Stachowiak said that 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.

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

Mr. Leaming and Mr. Fryling questioned why the hospital needs such a large sign.

Mr. Leaming stated that this appears to be a self-created hardship since the applicant had control over the development of the site and thus, should have planned for an appropriate sign location and location for the electrical service.

Ms. Alling stated that she sees a need for the sign and does not believe that the applicant had much if any control over the location of the electrical service since that would have been dictated by the Board of Water & Light.

Mr. Fryling questioned whether the location of the sign will result in a vision obstruction when exiting the driveway where it will be located.

Ms. Stachowiak stated that it has been verified by the City that the proposed sign will be far enough back that it will not interfere with vision at the intersection.

Ms. Jefferson and Mr. Hovey spoke in support of the request citing the uniqueness of hospital operations with regard to signs that direct visitors to their intended location.

Mr. Leaming & Mr. Fryling expressed general support for the variance but with some reluctance since the sign seems to be much larger and taller than what is necessary.

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

V. **OLD BUSINESS** - None

VI. **NEW BUSINESS**

A. **Excused Absences**

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

VII. APPROVAL OF MINUTES

A. Regular Meeting, October 14, 2021

Mr. Hovey⁶ made a motion, seconded by Ms. Jefferson to approve the October 14, 2021 meeting minutes, as presented. On a voice vote, the motion carried unanimously (5-0).

VIII. PUBLIC COMMENT

IX. ADJOURNMENT AT 7:05 p.m.

Respectfully Submitted,

Susan Stachowiak, Zoning Administrator