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**MINUTES OF A SPECIAL MEETING  
BOARD OF ZONING APPEALS  
February 27, 2015, 12:00 P.M.  
316 N. Capitol Avenue, Suite D-1**

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**I. ROLL CALL**

The meeting was called to order by Marcie Alling at 12:10 p.m. Ms. Alling read the BZA introduction. Roll call was taken.

**Present:** M. Alling A. Shinn K. Whitfield B. McGrain J. Hovey

**Absent:** M. Rice E. Horner K. Litwiller

**Staff:** S. Stachowiak

A quorum of at least four members was present, allowing voting action to be taken at the meeting.

**II APPROVAL OF AGENDA**

**B. McGrain moved, seconded by J. Hovey to approve the agenda as written. On a voice vote, the motion carried 5-0.**

**III. HEARINGS/ACTION**

**A. BZA-4009.15, 317 W. Madison Street**

This is a request by Michigan Capitol City Landlords, LLC for a variance to permit a deck on the rear/south side of the house at 317 W. Madison Street that with a setback of 24 feet, 4 inches from the rear property line. Section 1248.09 of the Zoning Ordinance requires a 30 foot rear yard setback. Staff recommended approval on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application.

Ms. Alling opened the public hearing. (The public hearing was held at the regularly scheduled meeting on February 12, 2015. A quorum was not present at this meeting).

**Mike Clay, no address given, representing the applicant,** spoke in support of the request. He said that the house has undergone a complete rehabilitation including the removal of lead paint through the City's "Lead Safe Lansing" program. Mr. Clay said that the 317 W. Madison is a family-friendly home and currently house a family with 7 children. He showed photographs of the deck on the back of the house and stated that because it is not attached to the house, they were unaware that a permit was required.

**David Anderson, 320 W. Ottawa, Capitol City Landlords, LLC,** stated that if the variance is not approved, they would have to remove a portion of it. He said that the back yard is solid clay which prevents storm water from absorbing into the ground. This keeps the back yard relatively wet on a normal basis, thereby, making it unsuitable for recreational use. The purpose of the deck is to provide an area in the back yard for such recreational use (barbeque, play area, seating area, etc.). In addition, Mr. Clay said that they constructed a French drain on the property to assist with the drainage issue and the new porch helps to protect the French drain since it runs right underneath of it.

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

Mr. McGrain stated that there definitely appears to be a practical difficulty in the case involving the shallow depth and irregular shape of the lot as well as the clay/drainage issue in the back yard.

Ms. Alling stated that the applicant showed photographs of the deck to the members of the Board that were present at the public hearing and it is nice looking and very well constructed.

**Mr. McGrain made a motion, seconded by Ms. Shinn to approve BZA 4009.15 for a variance of 5 feet, 8 inches to permit a deck on the rear/south side of the house at 317 W. Madison Street that would have a setback of 24 feet, 4 inches from the rear property line, on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this request.**

| Vote      | Yes | No |
|-----------|-----|----|
| McGrain   | X   |    |
| Alling    | X   |    |
| Hovey     | X   |    |
| Whitfield | X   |    |
| Shinn     | X   |    |

On a roll call vote (5-0), the variance was approved.

**IV. ADJOURNMENT AT 12:20 P.M.**

Respectfully Submitted,

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Susan Stachowiak, Zoning Administrator