
**MINUTES OF A SPECIAL MEETING
BOARD OF ZONING APPEALS
June 3, 2014 6:30 P.M.
600 W. Maple (Neighborhood Empowerment Center)**

I. ROLL CALL

The meeting was called to order by Brian McGrain at 4:12 p.m. Mr. McGrain read the BZA introduction. Roll call was taken.

Present: B. McGrain A. Shinn E. Horne J. Hovey M. Alling (arrived at 4:40 p.m)

Absent: K. Whitfield

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

A. Shinn moved, seconded by E. Horne to approve the agenda with the addition of "Excused Absence" under New Business. On a voice vote, the motion carried 4-0.

III. HEARINGS/ACTION

A. BZA-4004.14, 2500 Bliesener Street

This is a variance request by Mark Fluke for a variance to the required 3 foot side yard setback requirement (Zoning Ordinance, Section 1248.03) to construct a detached garage on the east side of the house at 2500 Bliesener Street. The proposed garage would have a side yard setback of 1 foot. A variance of 2 feet to the required side yard setback is therefore, being requested. Staff recommended denial on a finding that the variance would not be consistent with the practical difficulty criteria of Section 1244.06 (c) or the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application.

Ms. Stachowiak stated that the applicant would like to construct an 11 foot wide by 30 foot deep, detached garage behind the house that would have a 1 foot setback from the side property line. The purpose of the garage is to store a boat. The applicant has stated that if the garage were to be located at the required 3 foot side yard setback, he would not be able to navigate the boat around the house while backing it into the garage. While not stated on the application, it is assumed that the applicant bases a practical difficulty on the lack of space between the house and the side property line.

Ms. Stachowiak stated that the applicant has not identified a "practical difficulty" that would warrant approval of the variance. In other words, a unique condition of the site that distinguishes it from most other sites in the city and makes strict application of the ordinance either unreasonable or impractical. In this case, the request for a roof sign appears to be simply a matter of mere preference. Approval of a variance that is not based on a demonstrated practical difficulty diminishes the integrity of the ordinance and sets a negative precedent for future requests of a similar nature.

Mr. McGrain opened the public hearing.

Seeing no one wishing to speak, Mr. McGrain closed the public hearing.

Ms. Shinn stated that the aerial photo in the packet appears to be incorrect.

Ms. Stachowiak stated that the parcel identified on the aerial photo in the packet is wrong. She said that it should be the parcel to the west of the one identified on the photo.

Ms. Horne said that she agrees with the staff report that a one foot setback is not adequate and there does not appear to be any practical difficulty related to the site itself that would warrant a variance. She said that she will not be able to support the variance.

Mr. McGrain agreed. He said that without a demonstrated practical difficulty, he is unable to support the variance.

Ms. Horne made a motion, seconded by Mr. Hovey to deny BZA 4004.14 for a variance of 2 feet to the required side yard setback to permit the construction of a detached garage on the east side of the house at 2500 Bliesener Street that would have a side yard setback of 1 foot, on a finding that the variance would not be consistent with the practical difficulty criteria of Section 1244.06 (c) or the impact criteria of Section 1244.06 (e), as detailed in the staff report for this request.

Vote	Yes	No
Horne	X	
McGrain	X	
Hovey	X	
Shinn	X	

On a roll call vote (4-0), the variance was denied.

B. BZA-4005.14, 616 S. Washington Avenue

This is a variance request by Studio Intrigue Architect, LLC for a variance to Section 1270.03(c) of the Zoning Ordinance. The applicant is proposing to construct 51 residential units at 616 S. Washington Square which requires 36,600 square feet of lot area. The subject property contains 28,096 square feet of lot area. A variance of 8,504 square feet to the lot area requirement is therefore, being requested. 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. Stachowiak stated that the proposed project is consistent with the land use being advanced in the Master Plans and yet, the Zoning Ordinance does not allow for adequate density to make the project economically feasible. She said that the Zoning Ordinance needs to be amended to allow for greater density in the "G-1" Business district since other project in the downtown have required similar variances. In the meantime, however, the only way to make the project feasible is through a variance.

Mr. McGrain opened the public hearing.

David Vanderklok, Studio Intrigue Architects, spoke in support of the request. He stated that he represents the purchaser of the property who also owns the majority of the other properties within the block bounded by Capitol, Washington, Hillsdale and St. Joseph. Mr. Vanderklok stated that this is the same investor that renovated the Dean Apartments on N. Capitol Avenue.

Mr. Vanderklok showed the Board a rendering of the proposed building. He said that it is high end contemporary/urban chic with lots of glass. Mr. VanderKlok said that there will be parking on the first floor which is very expensive because of Fire Code requirements.

Mr. Vanderklok said that he looks at this site every day when he comes to work as his office is on S. Washington Avenue in Reo Town. He reached out to investors and the one that is on board, although he prefers to keep a low profile, he has the resources to accomplish the project.

Seeing no one else wishing to speak, Mr. McGrain closed the public hearing.

Ms. Horne asked about landscaping the parking lots in the area.

Mr. Vanderklok stated that there are trees in the road right-of-way. He said that the building takes up most of the subject property which does not leave room for landscaping. He also said that they will be improving other lots in the area and there is already a joint parking agreement in place for use of the surrounding parking lots.

Mr. Horne asked about the roof.

Mr. Vanderklok said that it will be a flat roof that is expected to last approximately 25 years.

Mr. Horne asked if there is a demand for apartments.

Mr. Vanderklok said that there was a study a few years ago by LEAP/EDC that revealed a shortage of 1,400 apartment units. He said that there is a 97% occupancy rate for apartments in Lansing which is the second highest occupancy rate in the country. Mr. Vanderklok stated that the Marketplace development will provide 800 units and the proposed project that is the subject of this request will provide 51 units.

Mr. McGrain stated that he likes the project and is supportive of the variance.

Mr. Hovey stated that the process to change to the ordinance to permit greater density levels needs to get started.

Mr. Hovey made a motion, seconded by Ms. Shinn to approve BZA 4005.14 for a variance of 8,504 square feet to the lot area requirement to permit 51 residential units at 616 S. Washington Avenue, 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
Horne	X	
McGrain	X	
Hovey	X	
Shinn	X	

On a roll call vote (4-0), the variance was approved

VI. OLD BUSINESS

A. BZA-4003.14, 6250 S. Cedar Street

Mr. Hovey stated that he needs to recuse himself from this matter as the firm that he works for has represented Applebee's in the past.

This is a variance request by Signs by Crannie on behalf of Applebee's restaurant to install a second ground sign at 6250 S. Cedar Street. Section 1442.12(h)(5) of the Sign Code permits one ground sign for each commercial parcel of land. A variance of one to the allowable number of ground signs is therefore, being requested. 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. Stachowiak stated that the practical difficulty involves the restaurant being located on the same parcel as several other businesses which puts it at a disadvantage from a signage/identification standpoint in trying to compete with other restaurants in the area. Since Applebee's is located on a heavily traveled commercial corridor with traffic entering the site from several different directions, adequate signage is necessary so that motorists can easily identify the business in time to safely enter the site. Without adequate signage, motorists will either miss the business altogether, will have to make a quick stop, continue past the site and turn around or simply visit another restaurant in the area. A free-standing restaurant on a parcel containing multiple businesses is a unique situation in comparison to the vast majority of other restaurants/commercial properties in the City and is sufficient to warrant relief from the ordinance.

The public hearing was held on May 8, 2014 at which the applicant, Daniel Crannie, spoke in favor of the request and no other comments were received.

Mr. Crannie stated that the proposed sign is necessary to adequately identify the restaurant.

Mr. McGrain stated that Applebee's has been there for approximately 15 years.

Mr. Crannie said that the proposed sign allows Applebee's to have the same sign exposure as the other restaurants in the area. It puts them on a level playing field. He said that Applebee's is a good community member. They use local contractors. He also said that they are doing a lot of sign changes for Applebee's restaurants around the State.

Mr. McGrain asked if the tenant sign for Applebee's on the existing ground sign will be removed. He also asked why there are 2 panels on the proposed sign.

Mr. Crannie said that the tenant sign will be removed. He said that there is an LED sign and they feel that both signs are necessary for the business.

Mr. Horne said that the intent of the ordinance is to reduce the number of signs along our corridors. She said that the proposed sign is in conflict with the intent of the ordinance and therefore, she cannot support the variance.

Ms. Stachowiak stated that if Applebee's were on its own parcel of land like Pizza Hut is, no variance would be necessary for the proposed sign. She said that parcel lines are invisible and therefore, it will not appear that the sign is in conflict with the ordinance.

Ms. Alling said that the situation is what it is today and that is what the Board needs to deal with. She said that it is not on its own parcel of land but should still be afforded the same rights to signage as the other restaurants in the area.

Mr. McGrain said that if a variance is to be approved, there should be a condition that the tenant sign is removed. He said that to reduce visual clutter, the lower of the two proposed signs on

the pole should not be permitted. He also said that the square footage should be limited to the square footage shown on the plans for the top sign only.

Ms. Shinn asked why the sign needs to be 30 feet in height.

Mr. Crannie said that it needs to be higher so that it does not conflict with the existing signs in the area (Finley's, Pizza Hutt, existing tenant sign, etc.).

Ms. Shinn said that the variance, with the conditions and changes proposed by Mr. McGrain, makes sense.

Mr. McGrain made a motion, seconded by Ms. Shinn to approve BZA 4003.14 for a variance of one to the allowable number of ground signs at 6250 S. Cedar Street with the condition that the tenant sign on the existing pole sign is removed, the lower of the 2 proposed signs on the pole is not permitted and the square footage of the allowable sign on the pole is limited to 136 square feet, 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
Horne		X
McGrain	X	
Alling	X	
Shinn	X	

On a roll call vote (3-1), the variance was approved

VII. PUBLIC COMMENT - None

VIII. APPROVAL OF MINUTES

Minutes of Regular Meeting held March 13, 2014

Mr. McGrain made a motion, seconded by Ms. Shinn to approve the minutes from the March 13, 2014 meeting as printed. On a voice vote, the motion carried unanimously (5-0).

IX. NEW BUSINESS

A. Excused Absence

Mr. McGrain made a motion, seconded by Ms. Horne to grant an excused absence for Ms. Whitfield from this meeting. On a voice vote (5-0), the motion carried unanimously.

X. ADJOURNMENT AT 5:10 P.M.

Respectfully Submitted,