
**MINUTES OF A REGULAR MEETING
BOARD OF ZONING APPEALS
November 13, 2014 6:30 P.M.
600 W. Maple (Neighborhood Empowerment Center)**

I. ROLL CALL

The meeting was called to order by Marcie Alling at 6:30 p.m. Ms. Alling read the BZA introduction. Roll call was taken.

Present: M. Alling E. Horne A. Shinn K. Whitfield K. Litwiller M. Rice

Absent: B. McGrain J. Hovey

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

M. Rice moved, seconded by E. Horne to approve the agenda with the addition of “Excused Absences” under New Business. On a voice vote, the motion carried 6-0.

III. HEARINGS/ACTION

A. BZA-4006.14, 4817 Bristol Street

This is a variance request by Elodia Jones for a variance to permit a church (Bethel Seventh-Day Adventist Community, Inc.) at 4817 Bristol Street. Section 1248.04(b) of the Zoning Ordinance permits churches in the “A” Residential district, which is the zoning designation of the subject property, if the site abuts a collector, a principal arterial or a minor arterial. Bristol Street is designated as a local road. 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.

Edward Woods III, Bethel Seventh-Day Adventist Community, Inc. spoke in support of the request. He introduced the other members of his church that were present at the meeting. Mr. Woods said that the church was able to get the property at 4817 Bristol Street for \$132,700. He said that it was such a good deal that they decided not to build on the vacant property that they own on Jolly Road. Mr. Woods said that the church will hold Sabbath school at 9:30 a.m. on Saturdays, church services at 11:00 a.m. on Saturdays and prayer services at 7:00 p.m. on Wednesdays. The church is considering operating a preschool (8 a.m.-11:30 a.m. and 1 p.m.-4:30 p.m.) or a child care facility from 7:30 a.m.- 5:30 p.m.). The church is also proposing a distribution center for food and clothing at various times during the week, summer youth programs when school is out and possibly during Spring break, after-school tutoring, a warming/cooling center, teaching English as a second language. Mr. Woods said that he has reached out to Joan Jackson Johnson, Human Services Director for the City of Lansing regarding making the church available to the community for a warming/cooling center. They would also like to make the gym available to the community. Mr. Woods invited the Board members to visit the church.

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

Ms. Horne stated that this area needs the types of services that will be provided by the church. She said that the church will be an asset to the neighborhood.

Mr. Woods said that there is a walkway to Reo Road to the north. He also said that he volunteers at the school on Reo and the principal of the school is a member of the church.

Ms. Horne stated that she is elated that the building will be used for worship and community services. She also said that there is more than enough land for the church to build another building at some time in the future.

Ms. Shinn agreed that the church is a good use of the property.

Ms. Whitfield made a motion, seconded by Ms. Horne to approve BZA 4006.14 for a variance to permit a church at 4817 Bristol Street which is a local road, 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	
Alling	X	
Whitfield	X	
Rice	X	
Shinn	X	
Litwiller	X	

On a roll call vote (6-0), the variance was approved.

B. BZA-4007.14, 1815, 1923 E. Michigan Avenue & 115 N. Clemens Avenue

This is a variance request by Speedway, LLC. The applicant intends to consolidate the properties at 1915, 1923 E. Michigan and 115 N. Clemens Avenue and construct a new, single story, 23.5 foot high, gasoline station building that would be located 125 feet from the front property line with parking in the front yard. In addition, the applicant is proposing 5 wall signs and 1 ground sign that would be 30 feet high, 166 square feet in area with a 9 foot setback from the front property lines. Section 1279.07(A) of the Zoning Ordinance requires the building to be located at the front property line and prohibits parking in a front yard. Section 1279.07(D) requires the building to be at least 2 stories and 25 feet in height. Section 1442.13 of the Sign Ordinance allows a maximum of 2 wall signs and Section 1442.12(5)(B) requires a 30 foot setback for a ground sign that is 166 square feet in area and 30 feet in height. Ms. Stachowiak stated that staff is not prepared to make a recommendation on this request at this time. She also said that the Board has been given numerous emails/letter both in opposition to and in support of the variances. Ms. Stachowiak recommended that the Board hold the public hearing, ask questions of the applicant and then table the request until next month's meeting. She said that this will give the Board an opportunity to absorb all of the information and staff an opportunity to prepare a recommendation.

Ms. Alling opened the public hearing.

Mandy Gauss, CESO, Inc., spoke in support of the request. She showed the Board the proposed layout of the property. Ms. Gauss said that the site includes the existing gas station property at 1923 E. Michigan, the vacant property to the north at 115 N. Clemens Avenue, which Speedway already owns, and the property at 1915 E. Michigan Avenue which Speedway has a purchase agreement on, if the zoning approvals are granted to allow reconstruction of the gas station. She said that through meetings with the neighborhood groups in the area, Speedway has made some changes which include new architectural features to the building, an outdoor seating area and a walkway from Michigan Avenue to the building. Ms. Gauss said that Speedway feels that the building must be located to the north end of the site with the parking lot and gas station islands located to its south. She said that Speedway feels that this is the only option to achieve proper visibility and traffic circulation. Ms. Gauss also said that if the building were to be located at the southeast corner of the site as required by the overlay district regulations, it would be very unattractive as there is equipment and a ladder on the back wall of the building, no windows, no doors, etc. She also said that having the building in the proposed location provides protection for the property owners to the north from lighting, noise and other nuisances.

Michael Bergman, Speedway, stated that they have made some changes to the architecture of the building. He said that Speedway is proposing to invest 2.5 million dollars into the site, including replacing the underground tanks with new state-of-the-art technology, but it all hinges on the location of the building. He said that the gas station simply does not work if the building has to be located at the front property and therefore, if the variances or the rezoning are denied, Speedway will abandon the project. Mr. Bergman stated that this is the second time that Speedway has attempted to redevelop this site and there will not be a third attempt.

Ms. Gauss showed renderings and explained the sign variance requests as well as the building height variance requests.

Ms. Shinn asked if Speedway was turned down by the Board of Zoning Appeals as part of the first attempt to redevelop the site.

Ms. Stachowiak stated that there was not an overlay district in 2006 when Speedway was seeking a rezoning to redevelop the site and therefore, it never went before the BZA. She said that Speedway was seeking to rezone the property at 115 N. Clemens in order to provide more land for the redevelopment but the project was abandoned when Speedway and the neighborhood groups were unable to come to an agreement on the redevelopment of the site.

Mr. Rice asked about the dimensions of the existing signs at 1923 E. Michigan Avenue.

Ms. Stachowiak stated that she does not have that information but will get it before the next meeting.

Ms. Alling asked about the proposed layout prepared by the City Transportation Engineer.

Ms. Stachowiak stated that the applicant has concerns about that proposal because there would be a potentially dangerous conflict between traffic pulling in to the site from E. Michigan Avenue and drivers pulling out of the parking spaces in front of the building.

Ms. Horne said that traffic backs up on S. Cedar Street with motorists waiting to get in to the site and she is concerned about traffic backing up on E. Michigan as well. She said that Speedway stores mulch and other items for sale in the parking area and it is not very attractive. She also said that she is concerned about the proposed facades. Ms. Horne said that she would like more time to study this issue.

Ms. Gauss said that part of the reason for the redevelopment is to provide more room for better

vehicular circulation in and around the site. She said that there will be 2 additional dispensers and the driveways will be moved much further away from the intersection. Ms. Gauss said that there are a lot of pitched-roof houses in the area that have been converted to offices and commercial businesses. She said that the architecture that Speedway is proposing would fit in better with the architecture of the other buildings in the area than a more urban style, flat roof building.

Brian Baer, 225 N. Hayford Street, stated that he is opposed to the requested variances. He said that the proposed building and site designs are very suburban and E. Michigan Avenue is an urban corridor. Mr. Baer stated that he hopes that Speedway does remain but that it needs a design that fits in with the E. Michigan corridor.

Martha Wheeler, 115 Kipling Blvd., stated that she appreciates that the representatives from Speedway have been willing to meet with the neighborhood. However, she feels that Speedway should honor the requirements of the overlay district which is designed for urban corridor development. She said that the neighborhood would like to see the building located at the southeast corner of the site, as required by the overlay district, with the pumps to the west/north. Ms. Wheeler stated that the neighbors have a bitter taste in the mouth because Speedway demolished the house at 115 N. Clemens back in 2006 when they came in with their first proposal to redevelop the site, without consulting the neighborhood groups. She said that the neighborhood groups are not opposed to the redevelopment but would like more time to meet with Speedway to discuss the specifics of the project.;

Nancy Mahlow, 430 N. Fairview, stated that she is the President of the Eastside Neighborhood Organization. She said that the goal is to make the gas station fit in with the neighborhood and with the vision for development along E. Michigan Avenue. Ms. Mahlow stated that this is a neighborhood, not a highway and the site should be designed to fit in with area. She said that the building should be located at the southeast corner of the site as required by the overlay district and the neighborhood organizations will not budge on that factor. Ms. Mahlow said that everyone will know that this is a gas station and will still go there. She also said that the south and east walls of the building can be more to look attractive by adding windows and other architectural features.

Phil Mondro, 1910 Jerome Street, said that it appears that a lot of good progress has been made (façade changes, outdoor seating, walkway, etc.), however, there still needs to be changes made to the layout of the property. He said that there will be more pumps which could generate additional traffic. He also said that he is opposed to the appearance of the proposed ground sign. He would like to see a nice, lower-profile, brick sign (like a clock tower). Mr. Mondro said that everyone in the area goes to this gas station and he suggested giving the neighborhood more time to work out the remaining issues.

Ms. Wheeler suggested that the Board make a thoughtful decision based on good planning practices.

Ms. Shinn stated that the BZA makes well-informed decisions.

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

Ms. Alling stated that she is glad that Speedway is going to invest in building a new and much better functioning gas station and the BZA will take into consideration the opinions of the neighbors and neighborhood groups but will also consider the needs of the business. She said that there is a lot of information to absorb and she would entertain a motion to table unless there are additional questions.

Ms. Horne made a motion, seconded by Ms. Shinn to table BZA 4007.14. On a roll call vote (6-0), the motion was approved.

VI. OLD BUSINESS - None

VII. PUBLIC COMMENT - None

VIII. APPROVAL OF MINUTES

Minutes of Regular Meeting held October 9, 2014

Mr. Rice made a motion, seconded by Ms. Horne to approve the minutes from the October 9, 2014 meeting as printed. On a voice vote, the motion carried unanimously (6-0).

IX. NEW BUSINESS

A. Excused Absences

Mr. Hovey made a motion, seconded by Ms. Litwiller to grant excused absences for Mr. Hovey and Mr. McGrain from this meeting. On a voice vote (6-0), the motion carried unanimously.

X. ADJOURNMENT AT 7:43 P.M.

Respectfully Submitted,

Susan Stachowiak, Zoning Administrator