



Andy Schor
Mayor

**LANSING BOARD OF ZONING APPEALS
REGULAR MEETING
DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING
600 W. Maple (Neighborhood Empowerment Center)
Thursday, September 12, 2019, 6:30 PM**

AGENDA

- I. ROLL CALL**
- II. APPROVAL OF AGENDA**
- III. PUBLIC COMMENT**
- IV. PUBLIC HEARING/ACTION**
 - A. BZA-4050.19, 613 & 621 Cherry Street & 309-321 E. St. Joseph Street, Variances to the front yard setback and parking location requirements**
 - B. BZA-4051.19, 5920/5924 S. Pennsylvania Avenue, Variance to the separation requirement between marijuana provisioning centers**
- V. OLD BUSINESS**
- VII. NEW BUSINESS**
- VI. APPROVAL OF MINUTES**
 - A. Regular Meeting, August 8, 2019**
- 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 517-483-4479 (TDD).

GENERAL INFORMATION

APPLICANT: R. James Gorenflo
Nederveld, Inc.
3037 Miller Road
Ann Arbor, MI 48103

OWNER: Chris Potterpin
PK Companies
1784 Hamilton Road
Okemos, MI 48864

REQUESTED ACTION: Variances to the front yard setback requirements and to permit a parking space in a front yard

EXISTING LAND USE: Single, two and 3+ unit residential uses

EXISTING ZONING: "DM-4" Residential District

PROPERTY SIZE: 49,248 square feet (1.13 acres)

SURROUNDING LAND USE: N: Single, 2 and 3+ unit residential uses
S: Freeway & multi-residential uses
E: Single, 2 and 3+ unit residential uses
W: Single, 2 and 3+ unit residential uses

SURROUNDING ZONING: N: "DM-4" Residential District
S: "DM-4" Residential District
E: "DM-4" Residential District
W: "DM-4" Residential District

MASTER PLAN DESIGNATION: The Design Lansing Master Plan designates the subject property for "Medium Density Residential-Urban) land use. Cherry Street and the 300 Block of E. St. Joseph Street are both designated as local roads.

ANALYSIS

This is a request by R. James Gorenflo, Nederveld, Inc. to permit a 52 unit apartment building on the properties at 613 & 621 Cherry Street and 309- 321 E. St. Joseph Street that would be combined into one parcel for development of the project. Section 1284.13(a) of the Zoning Ordinance prohibits

parking in a front yard in the “DM-4” Residential district, which is the zoning designation of the subject properties. One of the proposed parking spaces on the site would extend into the front yard along Cherry Street. Section 1258.07 of the Zoning Ordinance requires a 35 foot front yard setback for the proposed building. The proposed building would have a front yard setback of 20 feet along both streets with porches that would extend an additional 5 feet into the required front yard setbacks. A variance to permit one parking space in the front yard along Cherry Street and variances of 15 feet to the front yard setback requirement for the proposed building and 20 feet to the front yard setback requirement for porches on the front of the building are therefore, being requested.

Ordinance	Proposed	Variance
35 foot front yard setback	20 foot front yard setback - buildings 15 foot front yard setback - porches	15 feet 20 feet
No parking within the required front yard setback	1 parking in the Cherry Street front yard	front yard parking

ANALYSIS

Section 1244.06 (c)(1-4) of the Zoning Code sets forth the criteria and standards which must be used to evaluate a variance request. They are: (1) Does a practical difficulty or unnecessary hardship exist; (2) Is the Location, Size and Character in harmony with surrounding uses; and (3) Will the request impact vehicular and pedestrian traffic?

Practical Difficulty or Hardship

The basis for the applicant’s request to vary the front yard setback requirement is that adherence to the 35 foot front yard setback requirement would result in an undesirable setback pattern in the area where the proposed development would be located. With respect to the variance to allow one parking space to extend into the Cherry Street front yard, the applicant considers that the small size of the site creates a practical difficulty with respect to providing the required number of parking spaces in compliance with all applicable dimensional and locational requirements.

Several criteria are described in Section 1244.06(c) for the Board to consider in determining the adequacy of a practical difficulty:

1. The hardship results from the application of this Zoning Code to his or her lot, rather than from some other factor.
2. The hardship is not the result of his or her own actions.
3. The hardship is peculiar to the lot of the applicant.
4. If the owner of the lot complies with this Zoning Code, he or she can secure no reasonable return from, or make no reasonable use of, his or her property.

The request does meet the first criterion since the practical difficulties associated with the variance requests are directly related to the ordinance regulations for parking location and building setbacks as outlined in the table above. If the applicant were required to adhere to the 35 foot front yard setback,

the result would be a development pattern that is completely contrary to the existing setback pattern in the area and with the desired future setback pattern being advanced in the City's Master Plan as described in more detail below. All of the buildings in the surrounding area have setbacks that are significantly less than 35 feet. In fact, most are even less than what the applicant is proposing. It should also be noted that the proposed Form-Based Code (FBC) that the City has been developing to replace the Zoning Ordinance would actually prohibit a front yard setback that exceeds the average setback of the other buildings in the blockface. Under the proposed FBC, the required setback for this development would be even less (closer to the front property lines) than the proposed setbacks. The applicant is seeking variances because the process for adopting the FBC may take several months which would unnecessarily delay the project.

The request to allow one of the parking spaces to extend into the Cherry Street front yard is due to the small size of the site which presents significant design challenges in providing the required number of parking spaces in compliance with all dimensional requirements for parking lots. If denied, the applicant would need to either seek a variance of 1 to the required number of parking spaces or purchase one of the adjoining parcels to provide additional parking which would necessitate demolition of a building. Demolishing a building to provide parking would have a far greater impact on the neighborhood than allowing one space to extend a slight distance into the Cherry Street front yard.

With respect to the second criterion, the practical difficulties associated with this request cannot be considered self-created. The circumstances that justify the requested variances were not created by the applicant but rather the result of ordinance requirements that conflict with desirable urban residential neighborhood design. In this case, a variance to the required front yard setback is essential to integrating the new construction with the established development pattern in the area. The variance to permit a parking space to extend into the Cherry Street front yard allows the applicant to provide the required number of parking spaces and eliminates the need to purchase an adjoining parcel and demolish a structure just for the purpose of providing one additional parking space. By authorizing the requested variances, the applicant will be able to develop the subject property in a manner that is consistent with the area in which it is located.

The third criterion relates to whether the practical difficulty is sufficiently unique. By assuring that the practical difficulty is adequate to differentiate it from a claim that could be made by most other property owners, the intent of the ordinance standard is preserved. Correspondingly, the practical difficulty must be more than a matter of mere preference. This is a unique situation in that the ordinance provisions simply do not allow for appropriate development of the subject property. The front yard setbacks being proposed are slightly deeper but relatively consistent with the setbacks of the other buildings in the area. Also, the parking space that would extend into the Cherry Street front yard would not extend any closer to the front property line than the houses to the north and only 3.5 feet closer than the proposed porches on the new building. Adherence to the required setbacks and

prohibiting the parking space in the front yard would require major changes to the proposed site plan and the result would be a design that is contrary to the goals of the Zoning Ordinance, Master Plan and with proper planning principles in general which is to ensure that new development is compatible with the areas in which it is to be located.

The other consideration relates to whether there is a viable use of the property without the variances. This standard is typically applied to use variances, however, which require a much higher threshold than a 'dimensional' variance such as this one.

IMPACT STANDARDS

The Ordinance also establishes four standards under Section 1244.06 (e) that must be satisfied relating to the impact of the variance on the surrounding properties and the public in general. These standards and the manner in which 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 requested variances will not be disruptive to the appropriate and orderly development of the area. In fact, the variances will allow for development consistent with the land use pattern and placemaking characteristics being advanced in the Design Lansing Comprehensive Plan which designates the subject property for "Medium-Density Residential - Urban". The Master Plan establishes the following placemaking characteristics for this land use category:

"For new development; consistent, shallow front yard setbacks should be required: buildings should be parallel to and facing the street; parking should be located to the rear; building entries with porches or stoops should be oriented to the street. Minimum percent transparency and vertical orientation for windows should be considered for facades visible from the street."

As evidenced by the attached plan, the proposed development is consistent with the placemaking characteristics described above. The proposed building will be located at the 20 foot front yard setback along both street sides (15 feet for the porches) with all but one parking space located behind the building. As depicted on the attached site plan, the parking space that would extend into the Cherry Street front yard will still have an 11.5 foot setback from the front property line. If the setbacks are approved as requested, the porches facing Cherry Street will have a 15 foot setback and therefore, the parking space will only extend 3.5 feet closer to the street than the porches which is negligible and allows the site to provide the required number of parking spaces for the proposed 52 units. In addition, the parking space will be located further back than the front yard setback of the buildings to the north on Cherry Street so it will not appear to be out of character with the area.

If the variances are denied, the building, including the porches, would have to be located at the 35 foot front yard setback which would be inconsistent with the existing setback pattern in the area and with the desired placemaking characteristics as described above. In addition, if the building were to be located at the 35 foot setback, there would not be enough space behind the building to accommodate the required amount of parking. The applicant would have to purchase additional properties and demolish buildings in order to create enough space for parking. This would have a very negative impact on the orderly development of the area and would be contrary to proper planning principles in general for an urban 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 variance will have no negative impacts on vehicular or pedestrian traffic in the area. The proposed development will result in addition pedestrian traffic which should have a positive impact on the neighborhood. In addition, the vehicular traffic generated by 52 residential units will not be excessive and will be comparable to the level of traffic already being generated by the residential uses on the subject properties.

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

Since the development is designed to be consistent with the character of the surrounding area and the land uses are to be similar in nature, no potential nuisances could be discerned.

4. **The use will not interfere with or discourage the appropriate development and use of adjacent land and structures or unreasonably affect their value.**

The development should have a positive effect on the surrounding land uses and property values. It will increase the number of residents in the area, provide a quality living environment, and strengthen the overall character of the neighborhood

FINDINGS

This is a request by R. James Gorenflo, Nederveld, Inc. to permit a 52 unit apartment building on the properties at 613 & 621 Cherry Street and 309- 321 E. St. Joseph Street that would be combined into one parcel for development of the project. Section 1284.13(a) of the Zoning Ordinance prohibits parking in a front yard in the "DM-4" Residential district, which is the zoning designation of the subject properties. One of the proposed parking spaces on the site would extend into the front yard along Cherry Street. Section 1258.07 of the Zoning Ordinance requires a 35 foot front yard setback for the proposed building. The proposed building would have a front yard setback of 20 feet along both streets with porches that would extend an additional 5 feet into the required front yard setbacks. A variance to permit one parking space in the front yard along Cherry Street and variances of 15 feet

to the front yard setback requirement for the proposed building and 20 feet to the front yard setback requirement for porches on the front of the building are therefore, being requested.

The available information supports a finding that the requested variances are consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e).

RECOMMENDATION

Based on the information and findings described above, the following motion is offered for the Board's consideration:

BZA 4050.19 be approved for variances to permit a multiple family residential building on the properties at 613 & 621 Cherry Street and 309-321 E. St. Joseph Street that would have front yard setbacks of 20 feet for the building and 15 feet for the porches and one parking space that would be located in the front yard along Cherry Street, on a finding that the variances are 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.

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

ZBA APPLICATION SUPPLEMENT

PK HOUSING – CHERRY HILL APARTMENTS

Variance #1: Exception from Section 1284.03(a) - Location; Expansion; Encroachments.

To allow for the encroachment of one (1) single surface parking space into the required front yard setback on Cherry Street. Dimensions of the encroachment are 9 ft. wide by 18.5 ft. long.

Variance #2: Exception from Section 1258.07 - Front Yards.

To allow a reduction of the required foot front yard setback for buildings 35 feet to 75 feet in height from 35 feet to 20 feet along the E. St. Joseph Street frontage.

Variance #3: Exception from Section 1258.07 – Front Yards.

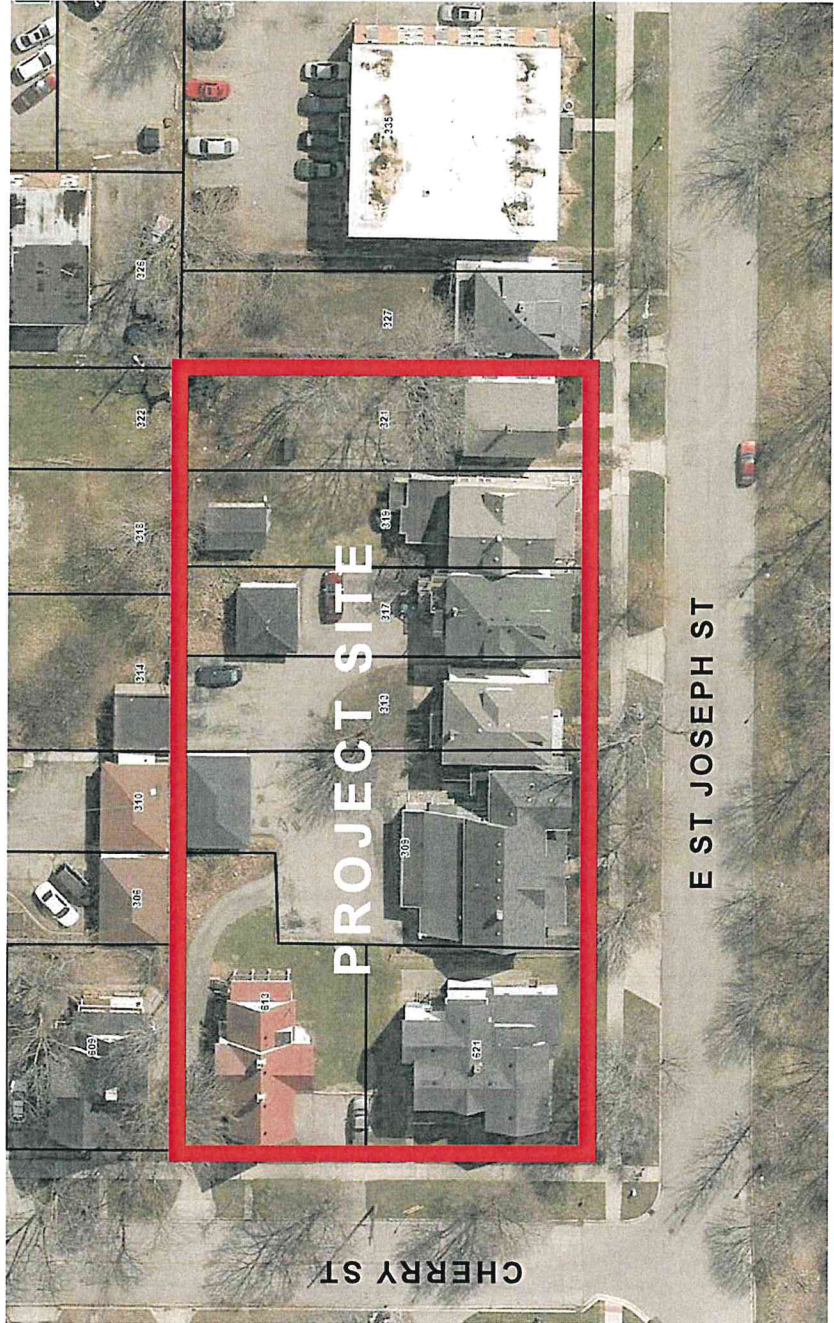
To allow a reduction of the required foot front yard setback for buildings 35 feet to 75 feet in height from 35 feet to 20 feet along the Cherry Street frontage.

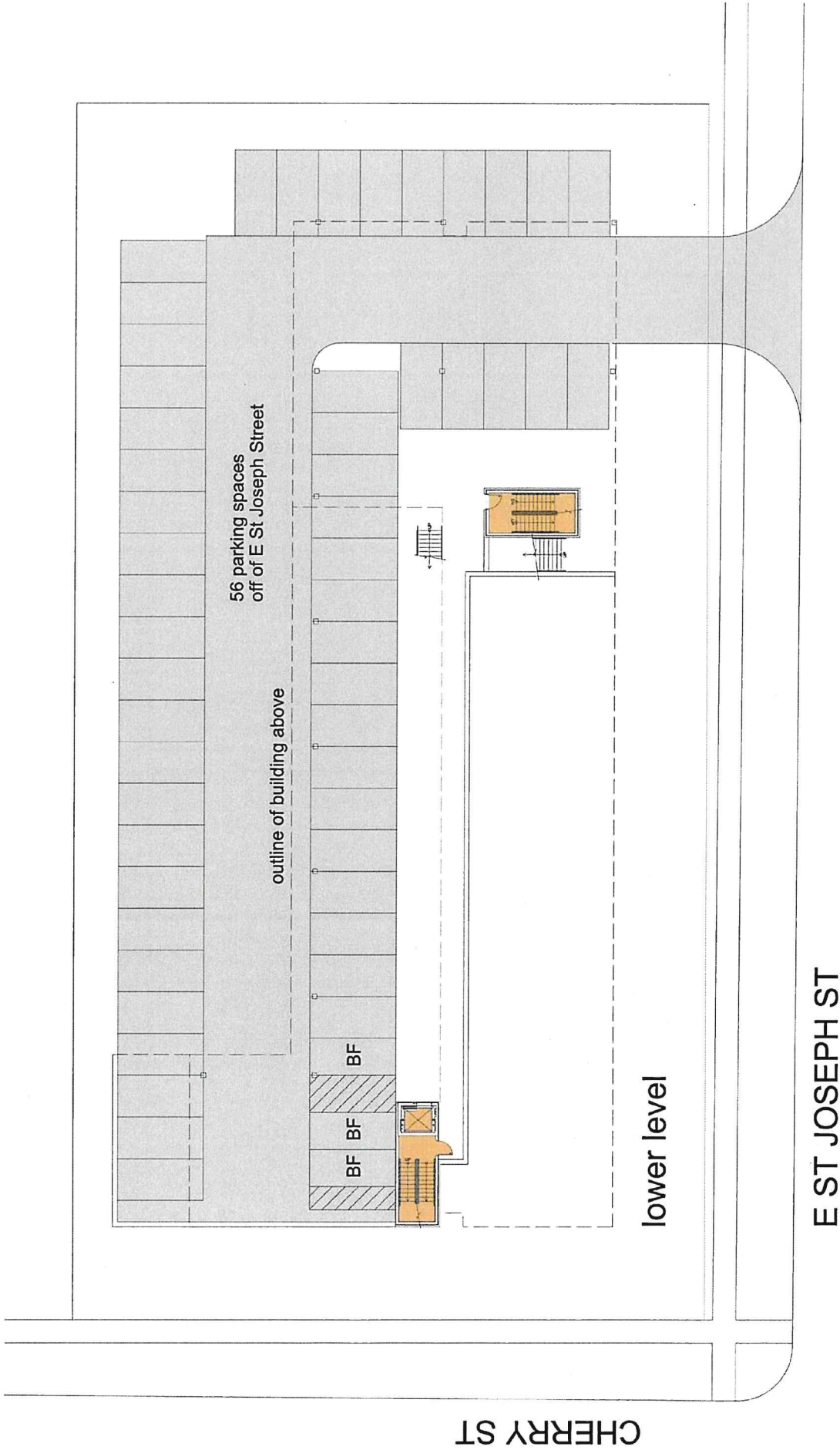
Variance #4: Exception from Section 1258.07 – Front Yards.

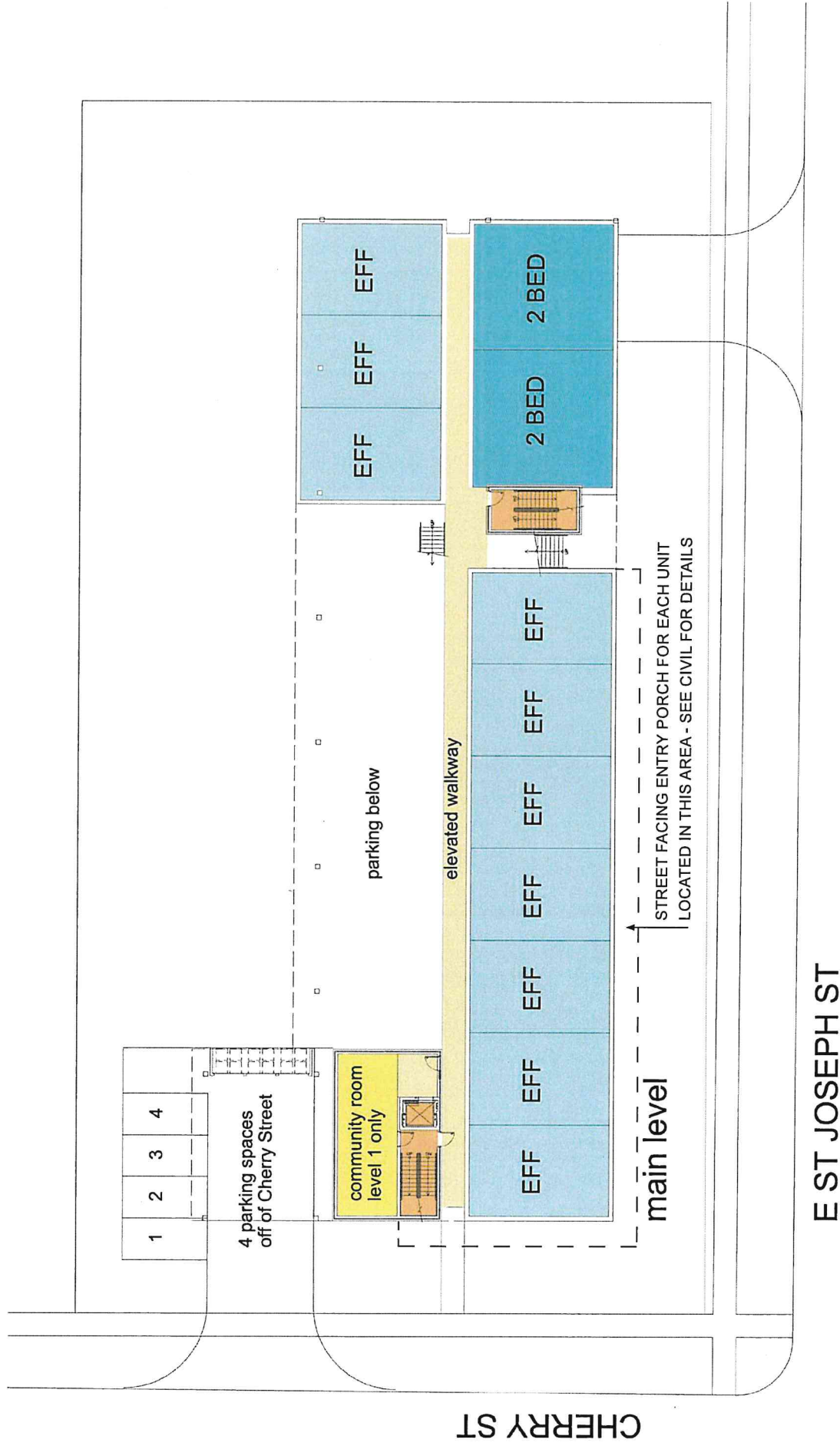
To allow the encroachment into the adjusted required front yard setback for construction of seven (7) elevated front door stoops/porches by five (5) feet along the E. St. Joseph Street frontage.

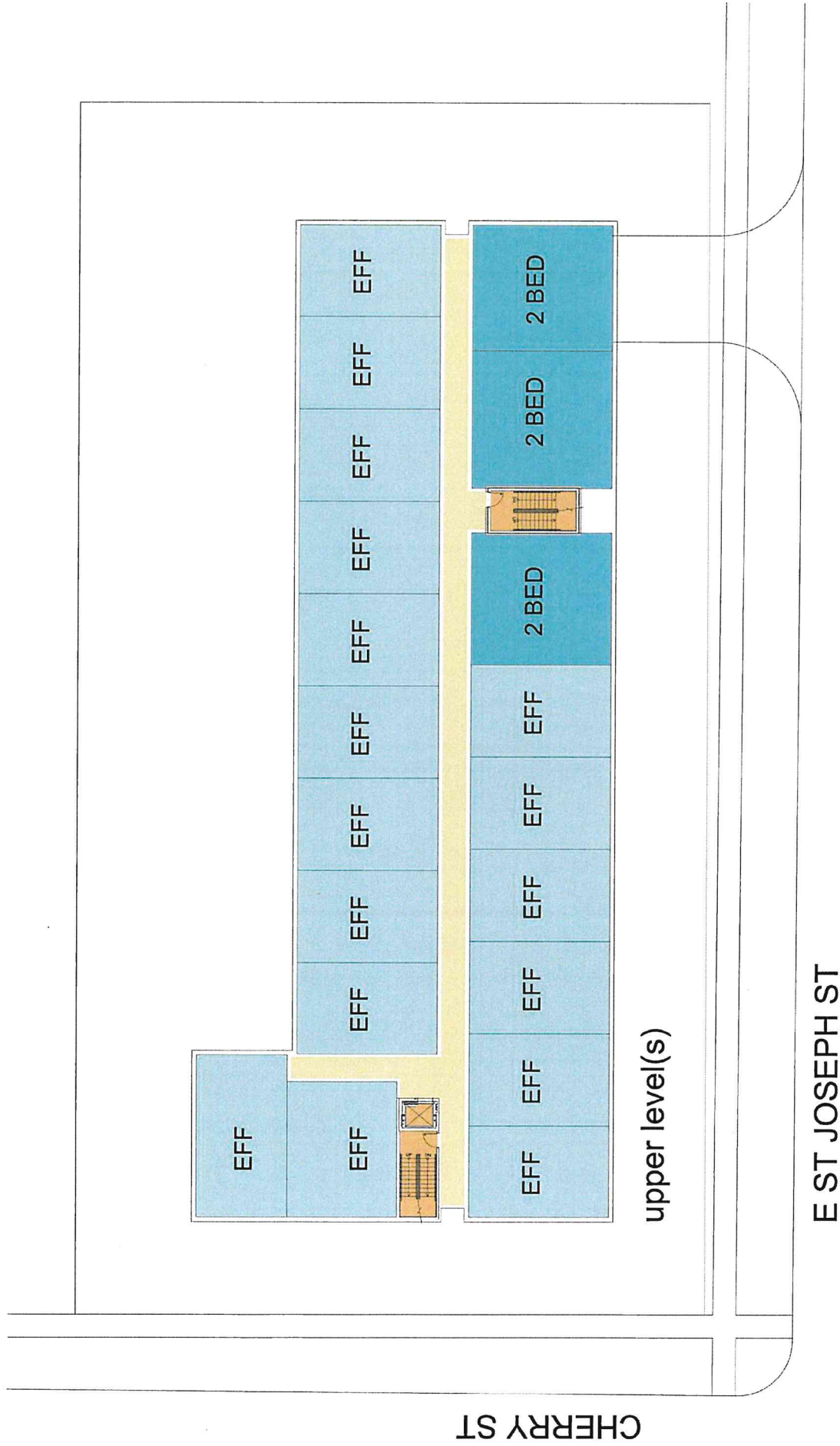
Variance #5: Exception from Section 1258.07 – Front Yards.

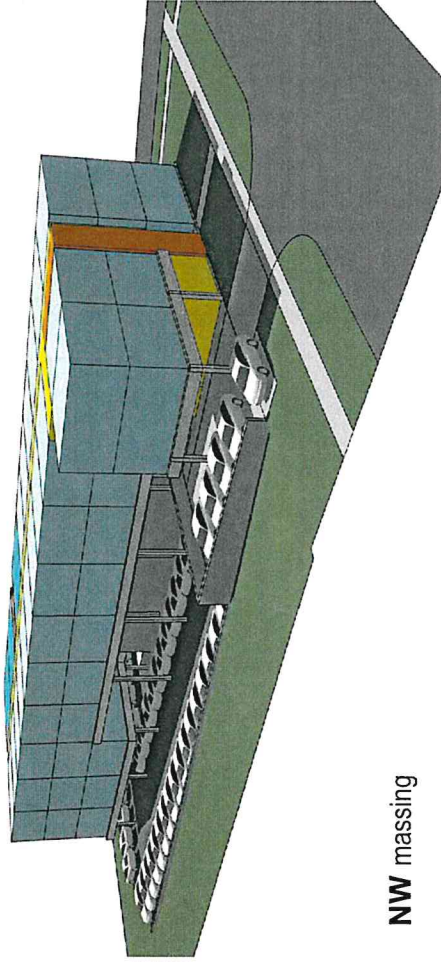
To allow the encroachment into the adjusted required front yard setback for construction of two (2) front door stoops/porches by five (5) feet along the Cherry Street frontage.



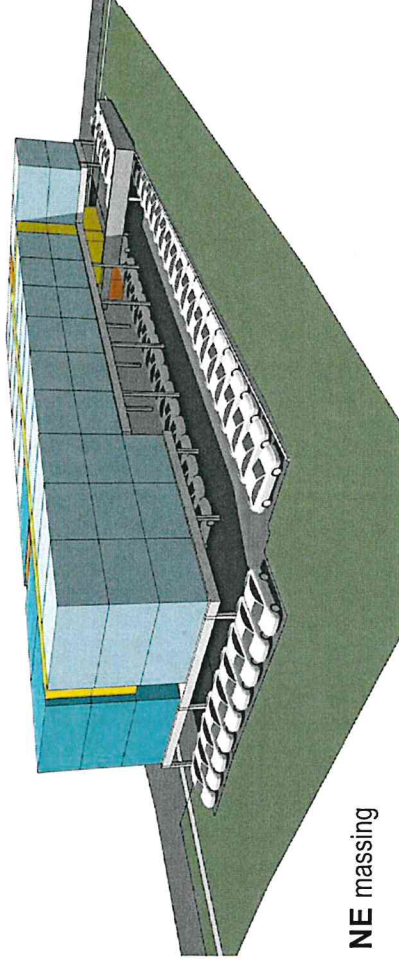




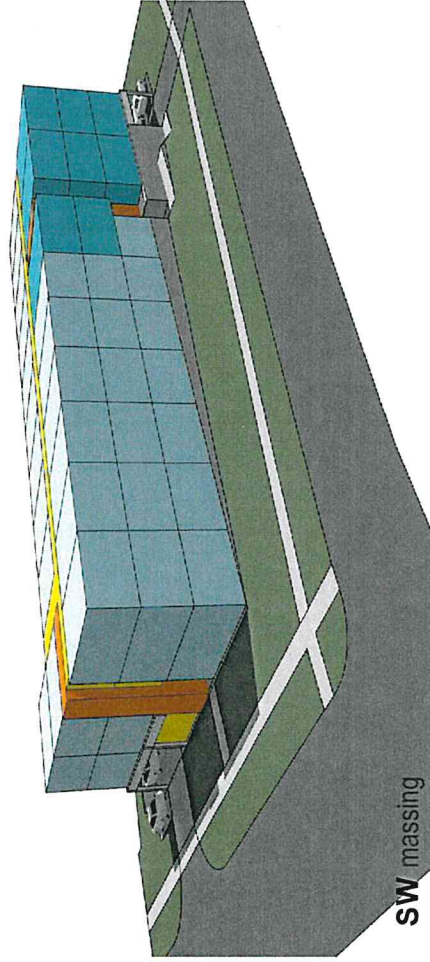




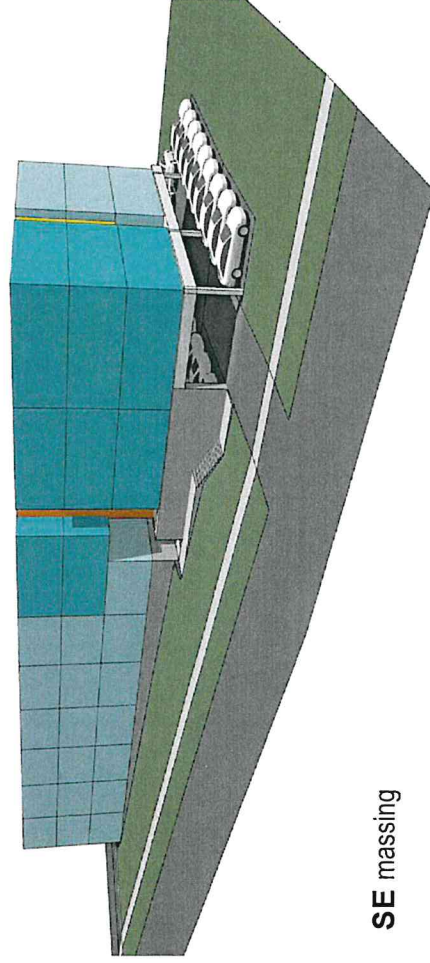
NW massing



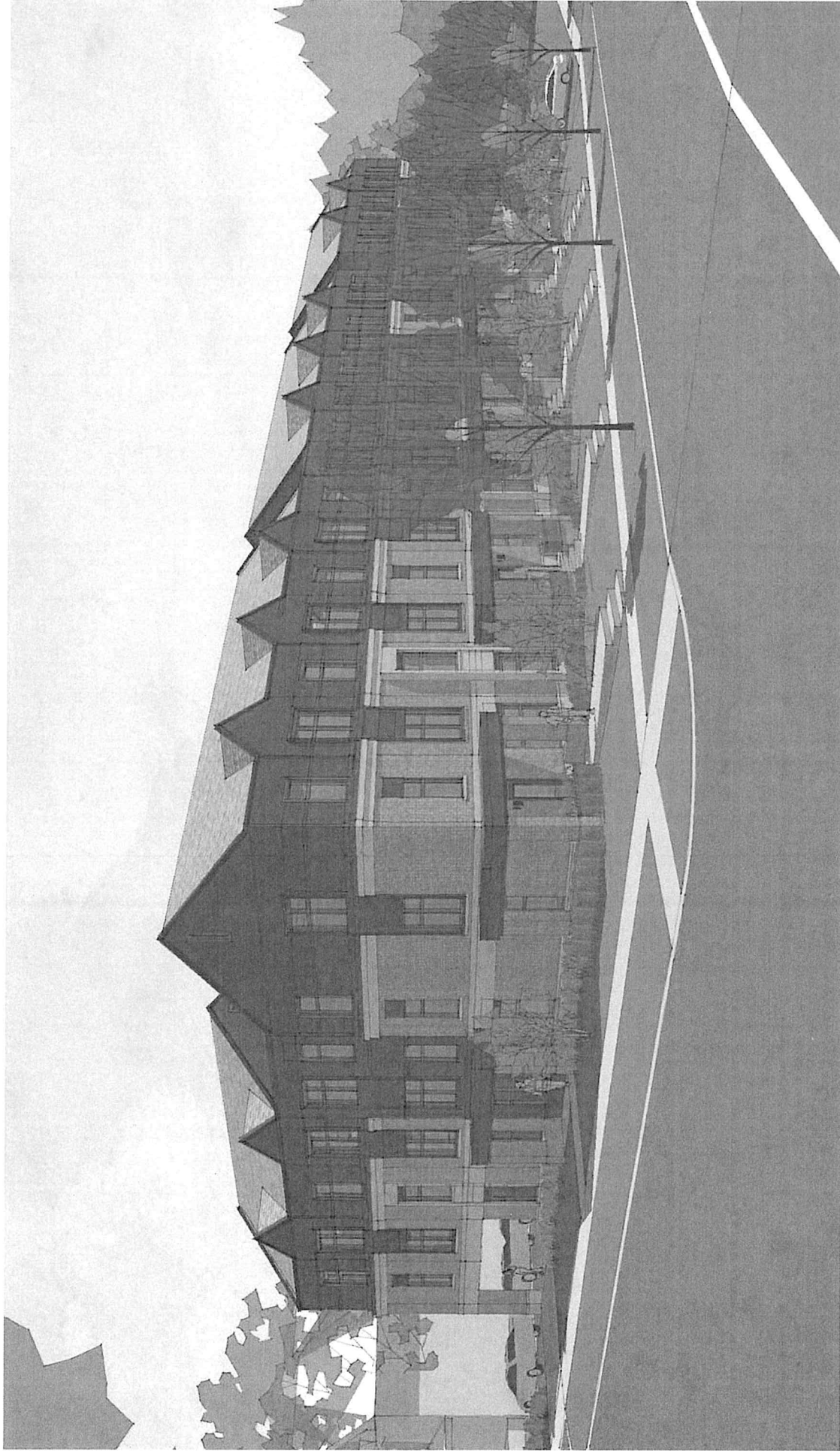
NE massing



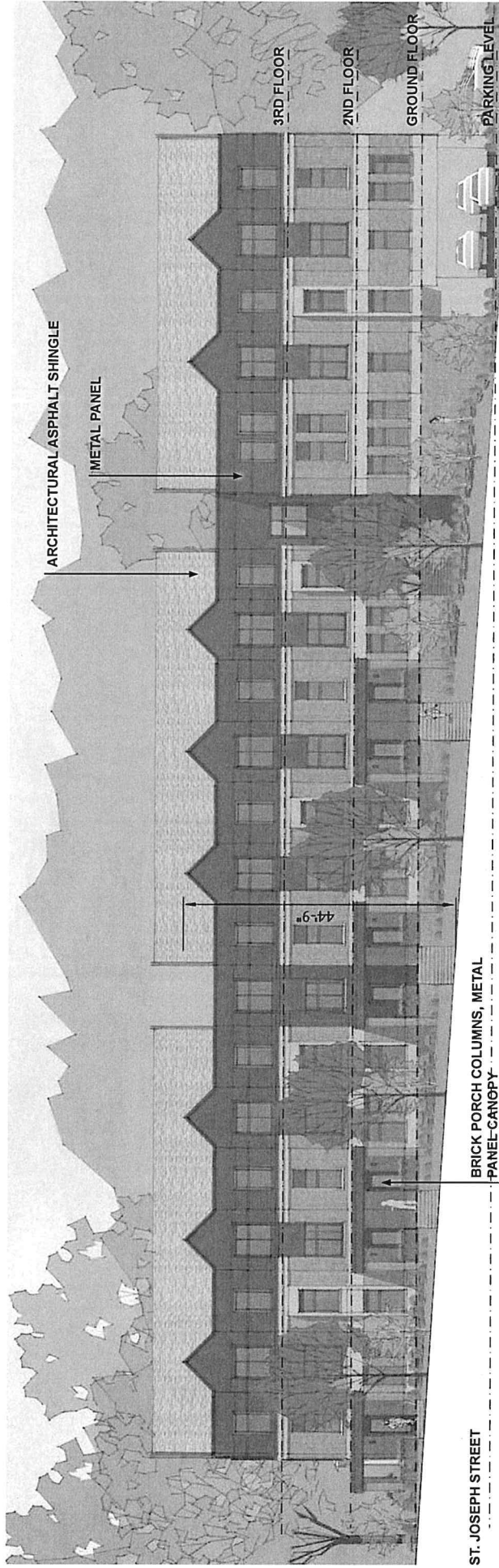
SW massing



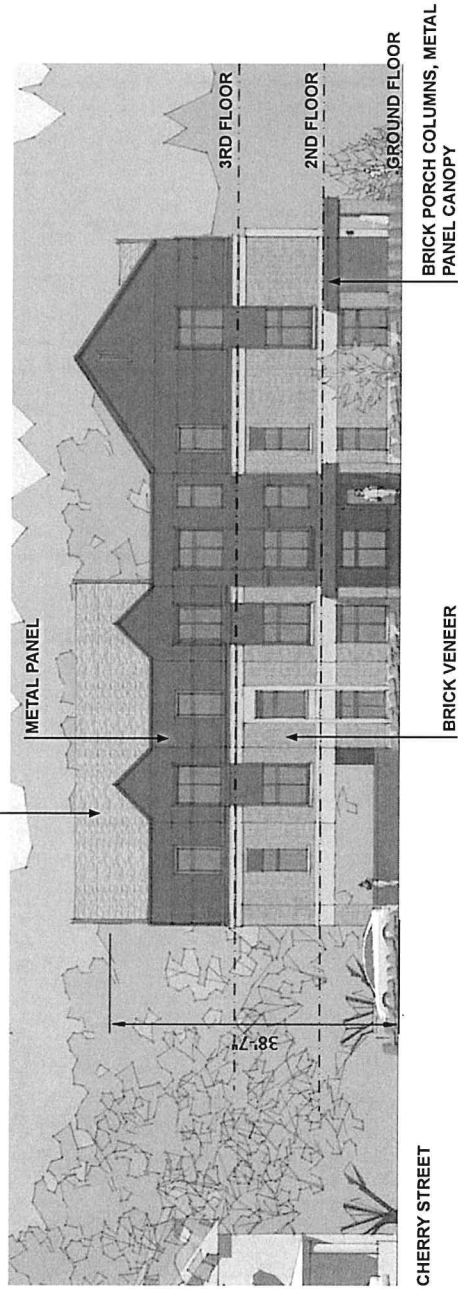
SE massing







ST. JOSEPH STREET



CHERRY STREET

Integrated
Architecture

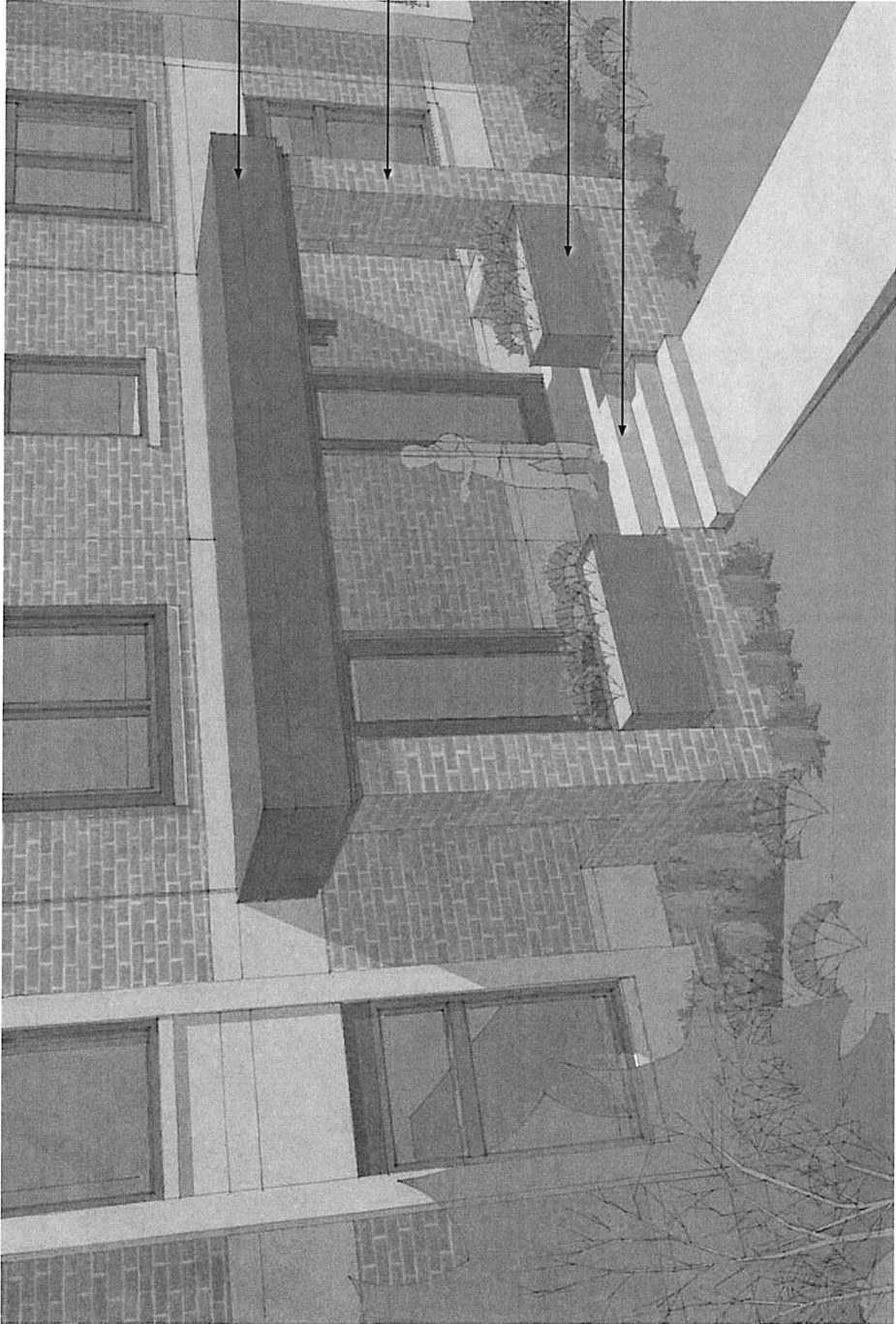
CONCEPT DESIGN
BUILDING ELEVATIONS |

20190705

21 August 2019

Cherry Hill

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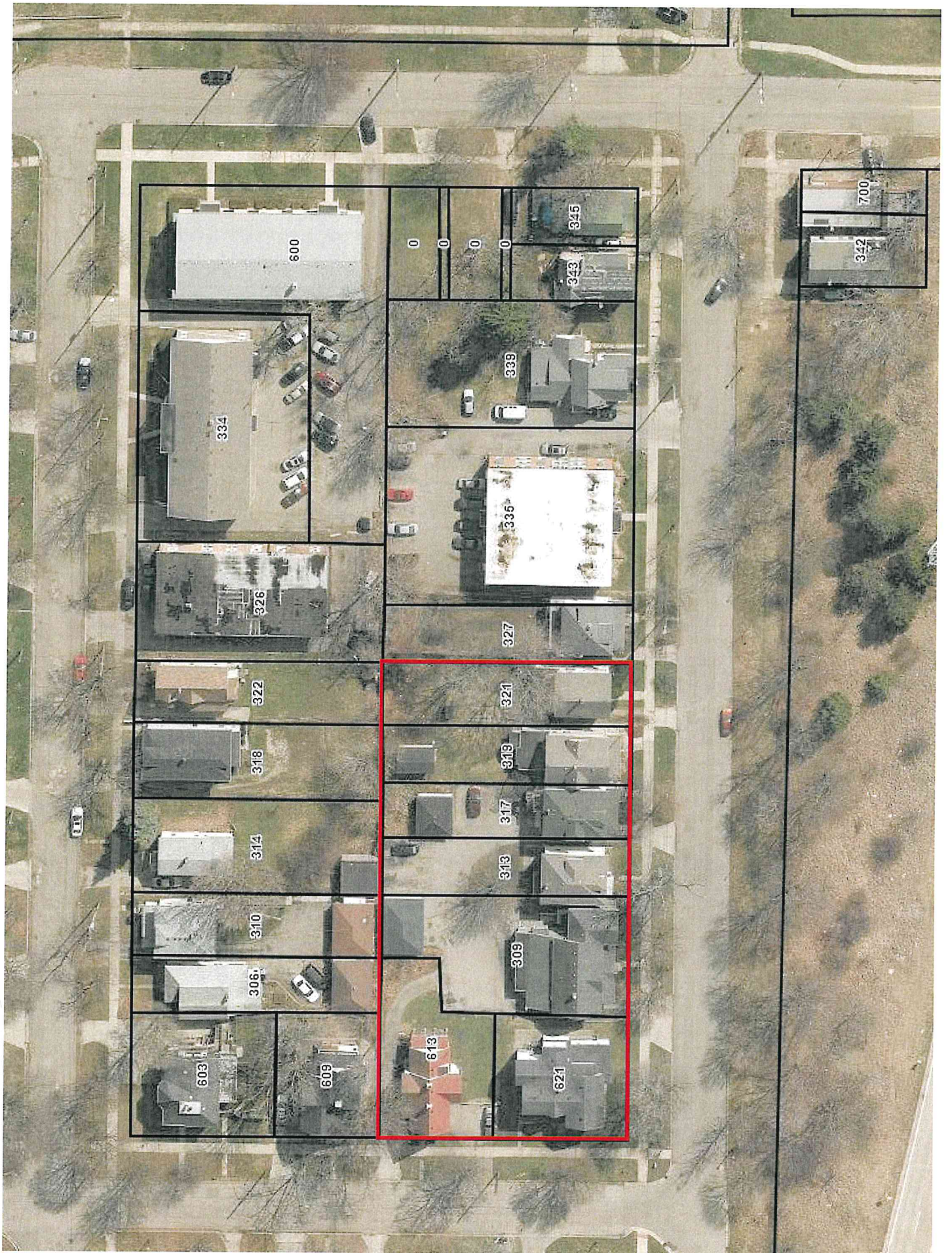


METAL PANEL CANOPY

BRICK PIERS

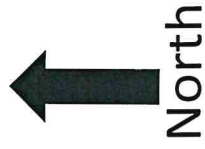
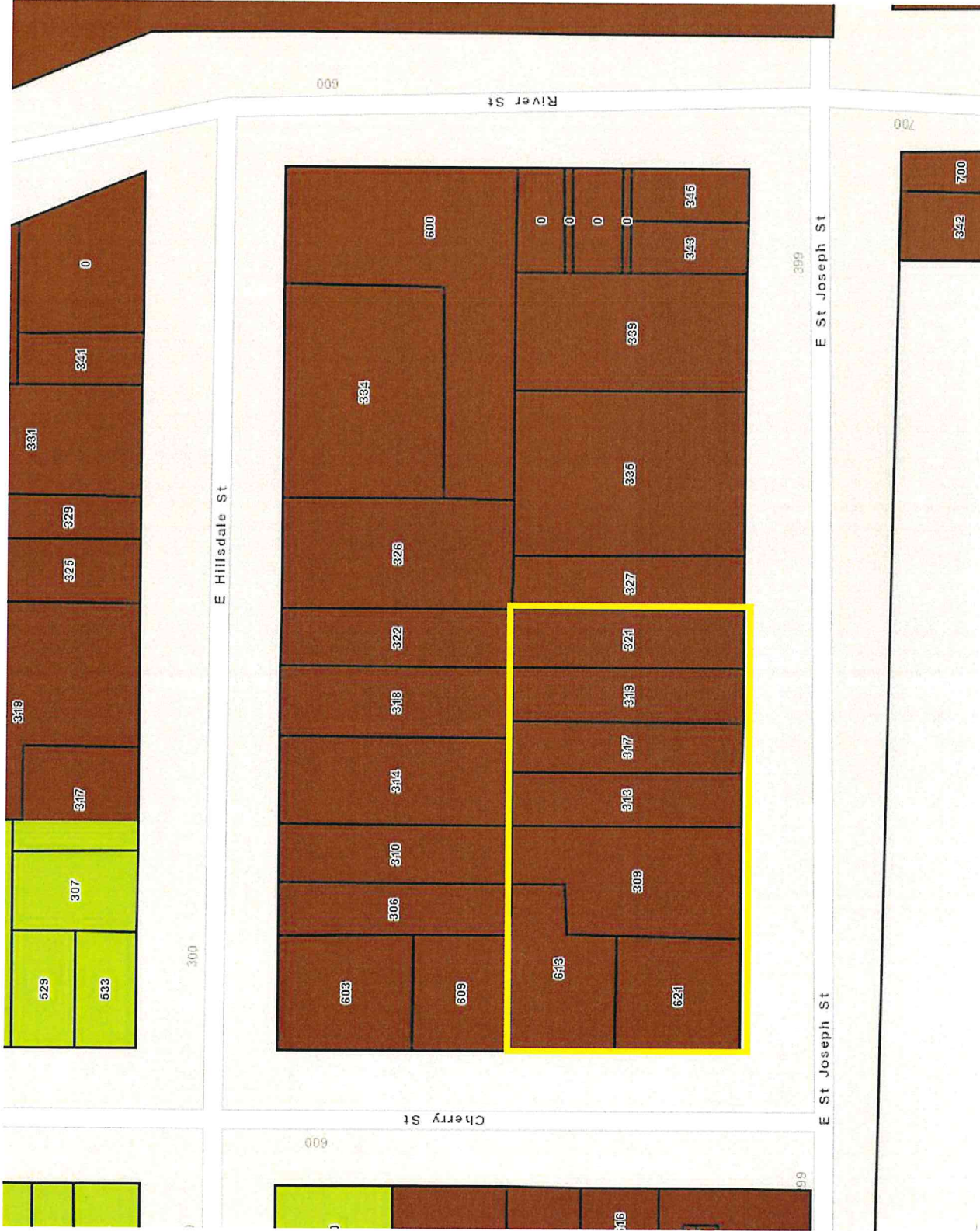
METAL PLANTER

CAST IN PLACE CONCRETE PORCH
AND STEPS



Zoning District

- A Residential-Single
- B Residential-Single
- C Residential-2 Unit
- NONE
- CUP Community Unit Plan
- D-1 Professional Office
- D-2 Residential/Office
- DM-1 Residential-Multiple
- DM-2 Residential-Multiple
- DM-3 Residential-Multiple
- DM-4 Residential-Multiple
- E-1 Apartment Shop
- E-2 Local Shopping
- F Commercial
- F-1 Commercial
- G-1 Business
- G-2 Wholesale
- H Light Industrial
- I Heavy Industrial
- J Parking
- ROW Right of Way



GENERAL INFORMATION

APPLICANT: OP Holdings, LLC
c/o Omar Putrus
14204 Adri Circle
Commerce, MI 48390

OWNER: RJO Investments, LLC
c/o John Gumma
7419 Middlebelt Road, Suite 4
West Bloomfield, MI 48322

REQUESTED ACTION: Variance to the 500 foot separation requirement between two medical marijuana provisioning centers

EXISTING LAND USE: Laundromat & Small Engine Repair Shop

EXISTING ZONING: "G-2" Wholesale & "J" Parking Districts

PROPERTY SIZE & SHAPE: Rectangular Lot - 104' x 238' = 24,752 Feet

SURROUNDING LAND USE: N: Entertainment Club
S: Vehicle Dealership & Repair Facility
E: Vehicle Dealership/Retail
W: Multiple Family Residential

SURROUNDING ZONING: N: "G-2" Wholesale & "J" Parking Districts
S: "G-2" Wholesale & "J" Parking Districts
E: "H" Light Industrial & "F" Commercial Districts
W: "DM-3" Residential District

MASTER PLAN DESIGNATION: The Design Lansing Master Plan designates the subject property as "suburban commercial". S. Pennsylvania Avenue is designated as a principal arterial.

REQUEST

This is a request by OP Holdings, LLC for a variance to permit a medical marijuana provisioning center at 5920/5924 S. Pennsylvania Avenue that would be located within 500 feet of another proposed provisioning center at 6001 S. Pennsylvania Avenue. Section 1300.13(A)(2) of City Ordinance 1217 prohibits a medical marijuana dispensary within 500 feet of another medical marijuana provisioning center. A variance to the required separation distance between 2 provisioning centers is therefore, being requested.

Required	Proposed	Variance
500 foot separation	290 foot separation	210 feet

ANALYSIS

On September 7, 2017, the City Council adopted Ordinance No. 1217 regulating medical marijuana facilities. Section 1300.13 of the Ordinance requires a 500 foot separation between medical marijuana provisioning centers. The distance is measured from nearest edge of building to nearest edge of building, along the centerline of the street (see attached). Section 1300.18 of the Ordinance authorizes the Board of Zoning Appeals to grant variances from the separation distance requirements. The criteria that the Board must consider in determining whether to grant a variance to the separation requirement is different from the criteria used to evaluate variances to the Zoning Ordinance. In this case, the Board does not have to establish that a practical difficulty or unnecessary hardship exists that warrants relief from the ordinance standard. Section 1300.18 (3) of Ordinance 1217 states that, in making its decision on variances to separation requirements, the Board shall consider all of the following:

1. The amount of time, if any, that the applicant has been operating in compliance with this chapter at the present location.

The applicant has not been operating a provisioning center on the subject property. The ordinance that was adopted in 2017 allows for 25 licenses to operate medical marijuana provisioning centers in the City. The first 20 licenses have all been approved or conditionally approved by the City, pending approval by the State. The City Clerk's Office is in the process of evaluating applications for the remaining 5 licenses in accordance with the scoring system that it developed.

The Clerk's Office has received license applications for the property that is the subject of this request (5920/5924 S. Pennsylvania) and for 6001 S. Pennsylvania. These two property are well within 500 feet of each other. No variance has been requested for 6001 S. Pennsylvania. If the requested variance is denied, both applications will remain in consideration for issuance of a license but only one of them could be approved. If the variance is approved and both applications score within the top 5, licenses could be issued for both locations.

2. The extent to which the applicant has demonstrated a commitment to the land use and public nuisance concerns in the surrounding neighborhood.

If approved, the applicant intends to construct a new building and to make substantial improvements to the site (repaving the existing parking lot, demolishing one of the buildings to create additional parking, installation of new landscaping throughout the site, exterior lighting, etc.). The applicant has provided a noise plan, odor plan and community outreach plan to mitigate any potential impacts on the residents of the apartment complex to the west.

3. The distance between the applicant's location and any medical marijuana provisioning center that is within 500 feet of the applicant's location.

The applicant's provisioning center is located approximately 290 feet from a proposed provisioning center at 6001 S. Pennsylvania Avenue. Approval of the variance would allow for licenses to be approved for both locations but does not guarantee that licenses will be approved for either location.

The intent of requiring a 500 foot separation between provisioning centers is to prevent a concentration of such facilities within a particular location. In this case, the variance is to allow two provisioning centers directly across the street from each other which would clearly be contrary to the intent of the ordinance.

4. The need for a provisioning center at the location in order to provide the safe and efficient access to medical marijuana with the City.

Since the total number of provisioning centers is limited to 25, one of the primary goals in evaluating the license applications is ensuring that the centers are spread out so that the product is available in all geographic areas of the City. In this case, the two proposed centers would be located across the street from each other on S. Pennsylvania Avenue, approximately 290 feet apart when measured in accordance with the standards of the ordinance. S. Pennsylvania Avenue is a major street that is characterized by relatively high volumes of traffic and it is a primary bus route. While provisioning centers should be concentrated along major commercial corridors where there is easy access to public transportation and the roadway is designed to accommodate heavy traffic, authorizing a variance to allow two centers in such close proximity to each other is contrary to the goal of distributing the limited number of provisioning centers throughout the various geographic areas of the City.

5. The character of the structure and its surroundings.

If approved for issuance of a license, the applicant intends to construct a new building (see attached rendering) and to make substantial improvements to the site which would be a vast improvement to its appearance.

6. The impact of the variance on the character of the structure's surroundings and owners of other properties in the vicinity.

There is no evidence that the variance would have any negative impacts on the "character of the structure's surroundings or the owners of other properties in the vicinity". In fact, the proposed building and site improvements would have a positive impact on the appearance of the site and hence, the vicinity in general. In addition, while provisioning centers typically generate a high volume of business, the level of activity and the amount of traffic will be no greater than many uses that could be established on the property as a matter of right or by the majority of other businesses already existing in the area.

FINDINGS

This is a request by OP Holdings, LLC for a variance to permit a medical marijuana provisioning center at 5920/5924 S. Pennsylvania Avenue that would be located within 500 feet of another proposed provisioning center at 6001 S. Pennsylvania Avenue. Section 1300.13(A)(2) of City Ordinance No. 1217 prohibits a medical marijuana dispensary within 500 feet of another medical marijuana provisioning center. A variance to the required separation distance between 2 provisioning centers is therefore, being requested.

Based on the findings described in this report, the request is consistent with some, but not all the criteria listed in Section 1300.18(3) to be used in evaluating requests for variances to the provisions of City Ordinance No. 1217.

RECOMMENDATION

Based on the information and findings described above, the following motion is offered for the Board's consideration:

BZA 4051.19 be denied for a variance of 210 feet to the required 500 foot separation between a medical marijuana provisioning center at 5920/5924 S. Pennsylvania Avenue and a medical marijuana provisioning center at 6001 S. Pennsylvania Avenue, on a finding that the request is not consistent with all of the variance evaluation criteria set forth in Section 1300.18(3) of Ordinance No. 1217, as detailed in the staff report for this application.

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator



CITY OF LANSING - PLANNING OFFICE
PETITION
BOARD OF ZONING APPEALS

Print Form

BZA APP #1636 TOTAL 350.00
CHECK 350.00
CHANGE 0.00

FILE NUMBER: BZA-

DATE SUBMITTED:

ITEM 1
9CL 7012 15:00TH

A request is hereby made to vary the requirements of the Zoning and / or Sign Ordinance.

Street Address (**include zip code**): 5924 S Pennsylvania Ave

Legal Description: Tax ID 33-01-05-03-352-522 (See attached for full legal description)

Applicant Name: OP HOLDINGS, LLC

Address (**include zip code**): c/o Omar Putrus, 14204 Adri Circle, 14204 Adri Circle, Commerce, MI 48390

Phone Number: 248-866-6959

Owner Name: RJO Investments LLC

Owner Address (**include zip code**): c/o John Gumma, 31000 Northwestern Hwy, Ste 100, Farmington Hills, MI 48334

Owner Phone: 248-640-5001
7419 MIDDLEBELT ROAD, STE 4, W BLOOMFIELD MI 48322

Interest in Property (please check one)

☐ Option to buy ☒ Owner ☒ Other (please specify) Omar Putrus has an ownership interest in both applicant
☒ Leasee ☐ Represent Owner entity and owner entity.

(see drawings) Zoning of the property: G-2 Lot dimensions: X Is this property in the flood plain? ☐ Yes ☒ No

Is this property residential? ☐ Yes ☒ No

of Efficiency Units: # of 1 Bedroom Units: # of 2 Bedroom Units: # of 3 Bedroom Units:

Total # of Units: Total # of Bedrooms: # of accessible on-site parking spaces:

Is this property non-residential? ☒ Yes ☐ No

of employees (largest shift): 8-12 # of accessible on-site parking spaces: 30 SPACES (see drawings)

Hours and days / week of operation: not presently operating - request for spacing variance

This is a request for a spacing waiver in the event that this property and a property within 500 feet both are approved by the City of Lansing to own/operate a medical marijuana provisioning (licensed under the Michigan Medical Marijuana Facility Licensing Act).

(This application will be supplemented with a more detailed explanation of the factors to be considered by this Board of Zoning appeals after a date and time for hearing is scheduled, but in advance of the hearing)

Section # with which this proposal is in conflict: 1300.13(a)(1) or (2)

If this petition is not granted, explain how your proposal will be affected: *attach a separate sheet if more space is necessary*

In the event that the City of Lansing specifies that this property, along with another property within 500 feet, are both the most qualified to receive the only 5 licenses being granted by the municipality at this time, and that the BZA does not grant the spacing waiver, the the City of Lansing will be deprived of one of the top five applicants to own and operate a medical marijuana facility in the City of Lansing over and above many other applicants. Without the waiver, the applicant would not be able to develop the property for what it would otherwise be approved for.

(This application will be supplemented with a more detailed explanation of the factors to be considered by this Board of Zoning appeals after a date and time for hearing is scheduled, but in advance of the hearing)

Items to be submitted with the petition:

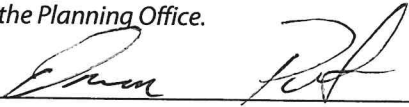
- 1 **A site plan drawn to a scale of at least 1" = 100'** showing the location of all structures, existing and proposed, in relation to the lot lines and access points.
- 2 **Flood plain information** where applicable.
- 3 Non-refundable fee for processing (7/14/98)

FEES:

<u>Single Family Home Improvement:</u>	\$160.00
<u>Other appeals by acreage:</u>	
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: 

Name: Omar Putrus, sole member of OP Holdings, LLC and co-member and manager of RJO Investments LLC

For assistance, please contact:

PLANNING OFFICE
316 N. CAPITOL AVE., SUITE D-1
LANSING, MI 48933-1236
(517) 483-4066
FAX: (517) 483-6026

Density of Provisioning Centers:

OP Holdings LLC (d/b/a Tru Releaf) believes the competition that would be created from our licensing approval will be very beneficial to registered patients and caregivers. A prime example of this situation is Walgreens and CVS being in very close proximity to each other. Three provisioning centers were approved in the first round that are within one half mile of each other, and two out of those three are on opposite sides of the street approximately 0.14 miles apart. Multiple provisioning centers allows for registered patients and caregivers to have many different options for their medicinal needs, especially to those who have transportation limitations.

Distance Between Residential Zones:

The proposed provisioning center located at 5924 S. Pennsylvania Ave., Lansing, MI 48911 is classified in zone G-2, Wholesale. The property behind the facility is classified zoned DM-4, Residential – Multiple. Attached to this application is our Noise Plan, Odor Plan, and Community Outreach Plan. These plans address the impact on the residents and how OP Holdings LLC will focus on reducing and eliminating noise and odor, and how the Company will work with the community to assist the residents.



06 June 2019

Tru Releaf
OP Holdings
5924 Pennsylvania Ave.
Lansing, MI

Subject: Proposed Addition to Existing Building with
Exterior and Interior Renovation of Existing Vacant Building
5924 Pennsylvania Ave.
Lansing, MI

CONSTRUCTION ESTIMATE

Based on a site visit on 22 May 2019. Application Drawings shall be provided by our office. Gumma Group will provide the following:

Architectural Drawings for Construction Documents: \$ 32,000.00

Architectural drawings: Representing floor plans reflected ceiling plans including architectural details.

Mechanical Engineering: H.V.A.C. drawings to explain all aspects of plumbing, heating, cooling and ventilation design for the proposed building.

Electrical Engineering: Drawings to explain all aspects of power distribution and lighting design for the proposed building and site improvements.

Structural Engineering: Provide Structural Engineering design and details.

Civil Engineering: Provide topographical and civil engineering representing proposed engineering and details for addition and new parking lot pavement.

Demolition: \$ 35,000.00

Demo approx. 5,000 sq ft building including footings.

DESIGNERS & BUILDERS

31000 Northwestern Hwy. Suite L-100 • Farmington Hills, MI 48334
(248) 865-5555 • Fax (248) 865-5015
www.gummagroup.net



**Interior and Exterior
Construction:**

\$570,000.00

Provide per plans approx. 2,000 sq. ft. "white box" addition at rear of existing vacant building.

Provide tenant space building out per plans including finished walls (framing, insulation and drywall).

Provide stained concrete floors.

Provide millwork (showcase cabinets) allowance \$ 50,000.00

Provide new store front glass and exterior doors.

Provide new HVAC, RTU and distribution per plans. Units to include carbon filters for odor control and Ultra Violet Lights in duct work.

Provide new plumbing underground/rough and finish per plans.

Provide new electrical service including rough and finish electrical per plans.

Site Construction: \$ 280,000.00

Remove and replace all existing paving.

Site Drainage per plans.

Provide new site lighting per plans.

Provide proposed screen wall at perimeter per plans.

Provide proposed landscape per plans.

Provide and install Custom planters at North and East Elevations with concealed pipe bollards including stone wrap.

ASSUMPTIONS

For the purpose of this proposal, the following assumptions have been made:

- 1.0 Any permits, bonds, testing, tap, utility and inspection fees are **not** a part of this proposal.
- 2.0 Any unforeseen conditions are not a part of this proposal.
- 3.0 Any change orders per owners request are not a part of this proposal.
- 4.0 This proposal is just an estimate. Once final construction documents are complete and permitted, we will finalize construction proposal.
- 5.0 Removal of any hazardous or contaminated materials is not a part of this proposal.

Gumma Group

Approved and Accepted:

By signing this proposal states that you have read, understand and accept the terms conditions (pages 2).

John D. Gumma,
Director of Construction

By: _____

Date: _____

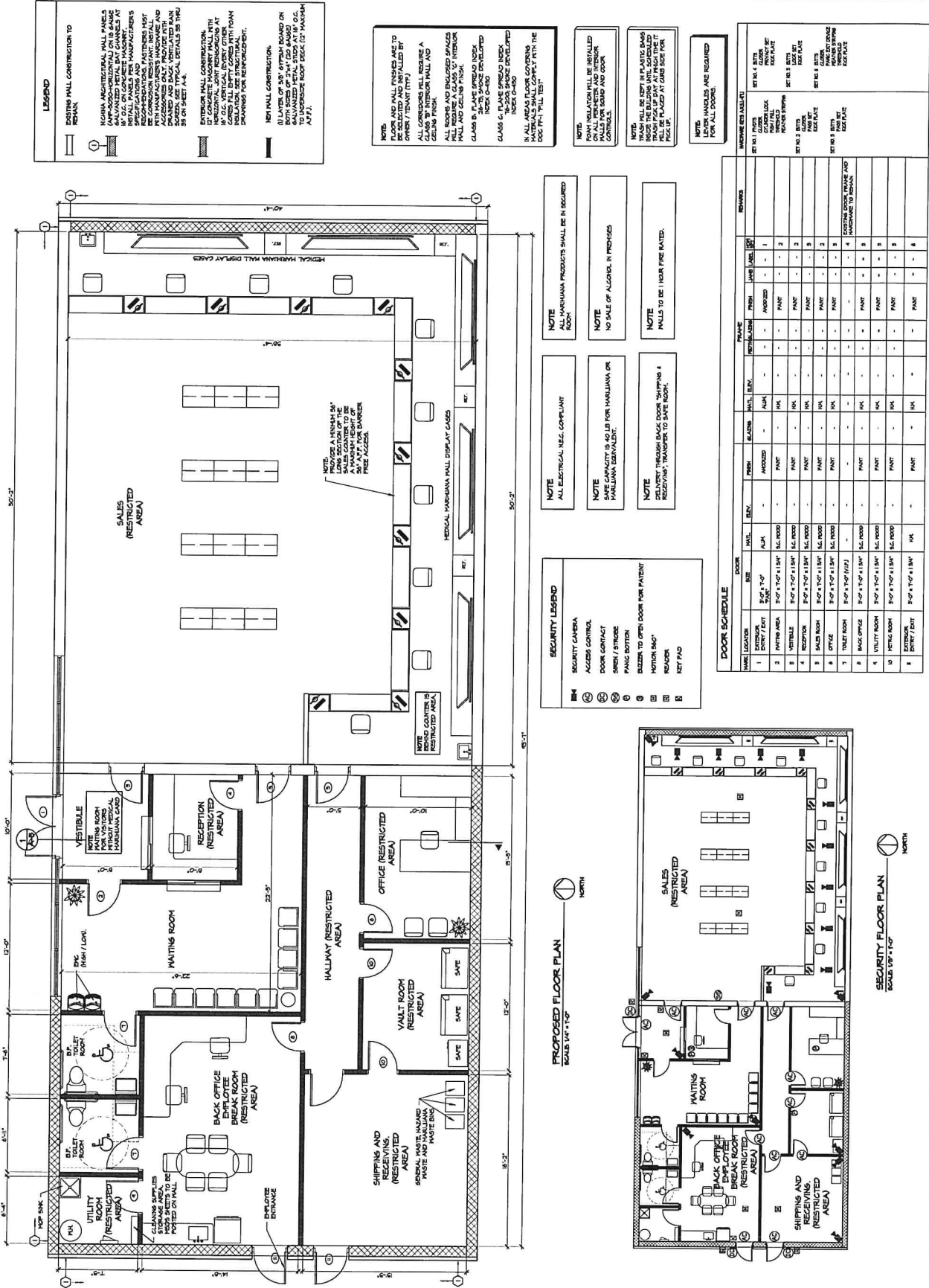
DESIGNERS & BUILDERS

31000 Northwestern Hwy. Suite L-100 • Farmington Hills, MI 48334

(248) 865-5555 • Fax (248) 865-5015

www.gummagroup.net

- LOCATION MAP -





TRU
Releaf

5924 S. Pennsylvania Avenue
Lansing, MI 48911

Designed J. Gammag
 Drawn L. N.
 Approved L. Esho P.
 Scale AS NOTED

All drawings and written material supporting herein constitutes original and unpublished work of Quinns Group and may not be duplicated, used or disclosed without written consent of Quinns Group.

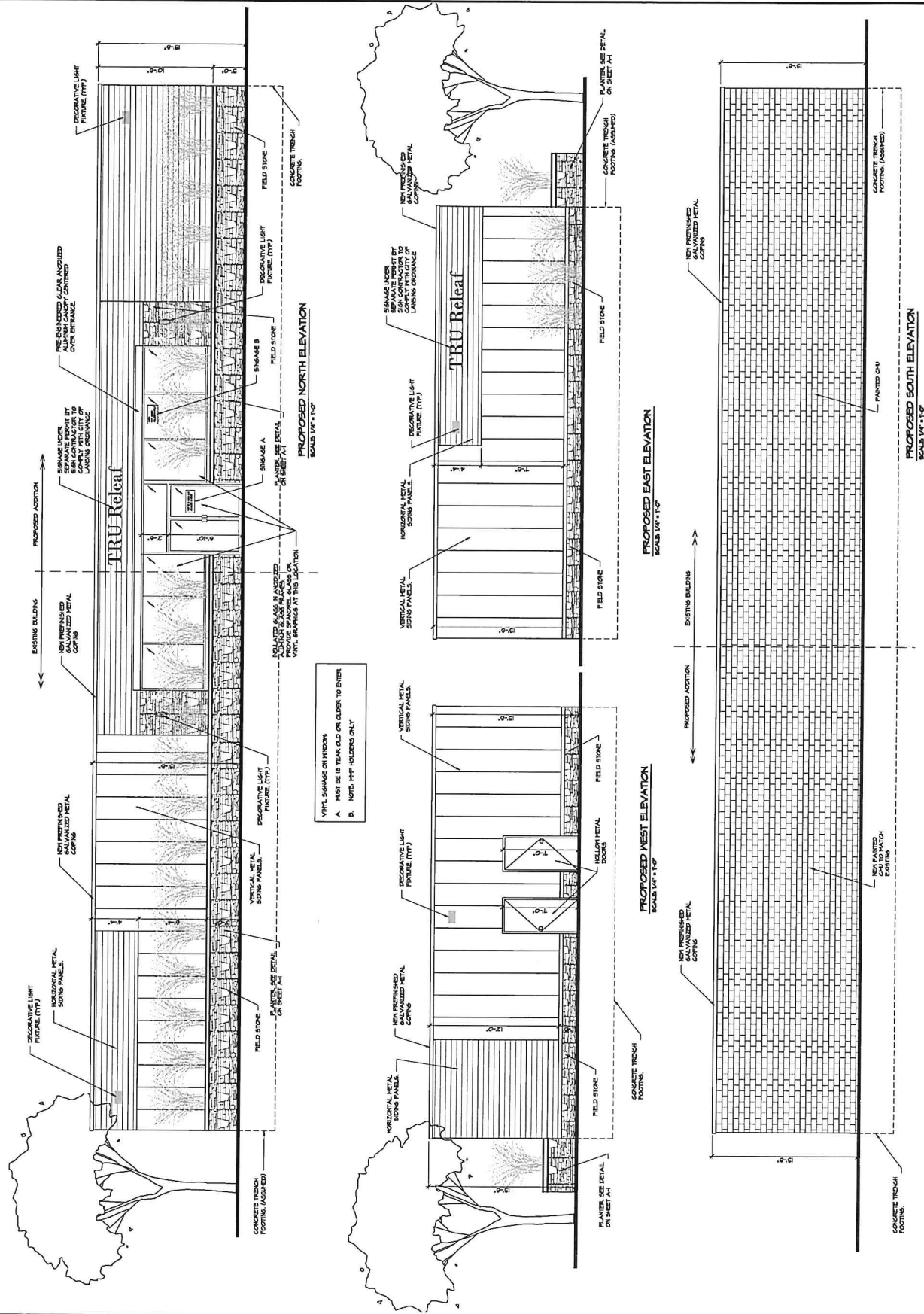
Do not scale drawings. Use given dimensions only. If not shown, verify corner dimensions with Quinns Group. Cornerman shall check and verify all dimensions and conditions at job site.

Project No.

penisi

Elevations

A-3



COMMERCIAL
SITE PLANNING
SITE ENGINEERING
INDUSTRIAL & MULTI-UNIT
LAND SURVEYING
CONSTRUCTION LAYOUT

RESIDENTIAL
SURVEYING
ALTA SURVEYS
TOPOGRAPHIC SURVEYS
BOUNDARY SURVEYS
PLOT PLANS
CONSTRUCTION LAYOUT

ENGINEERING, INC.
ONE, DOWNS & LAND SURVEYS
4682 WEST ROAD
SUITE 108
HOW, MICHIGAN 48377

(248) 928-2700 (FAX)
(248) 928-2701 (CELL)
WWW.ALPINE-INC.NET

PROXIMITY MAP

SECTION: 3
CITY OF LANSING
TOWNSHIP: 2N
RANGE: 2W
MICHIGAN

5920 & 5924 S. PENNSYLVANIA

CLIENT: GUNMA GROUP LLC

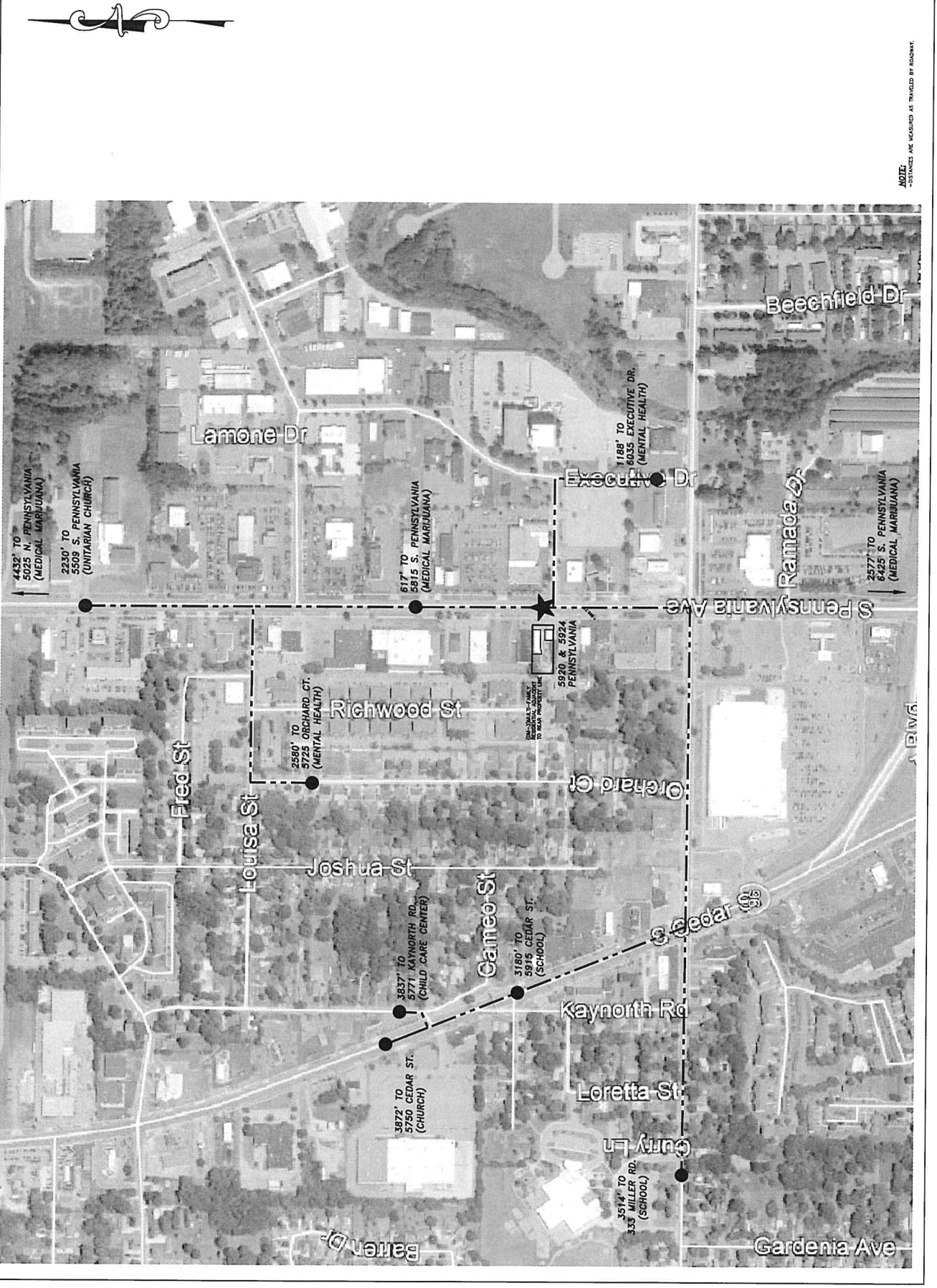
DATE: 06-18-18

BY: [Signature]

CHECKED BY: [Signature]

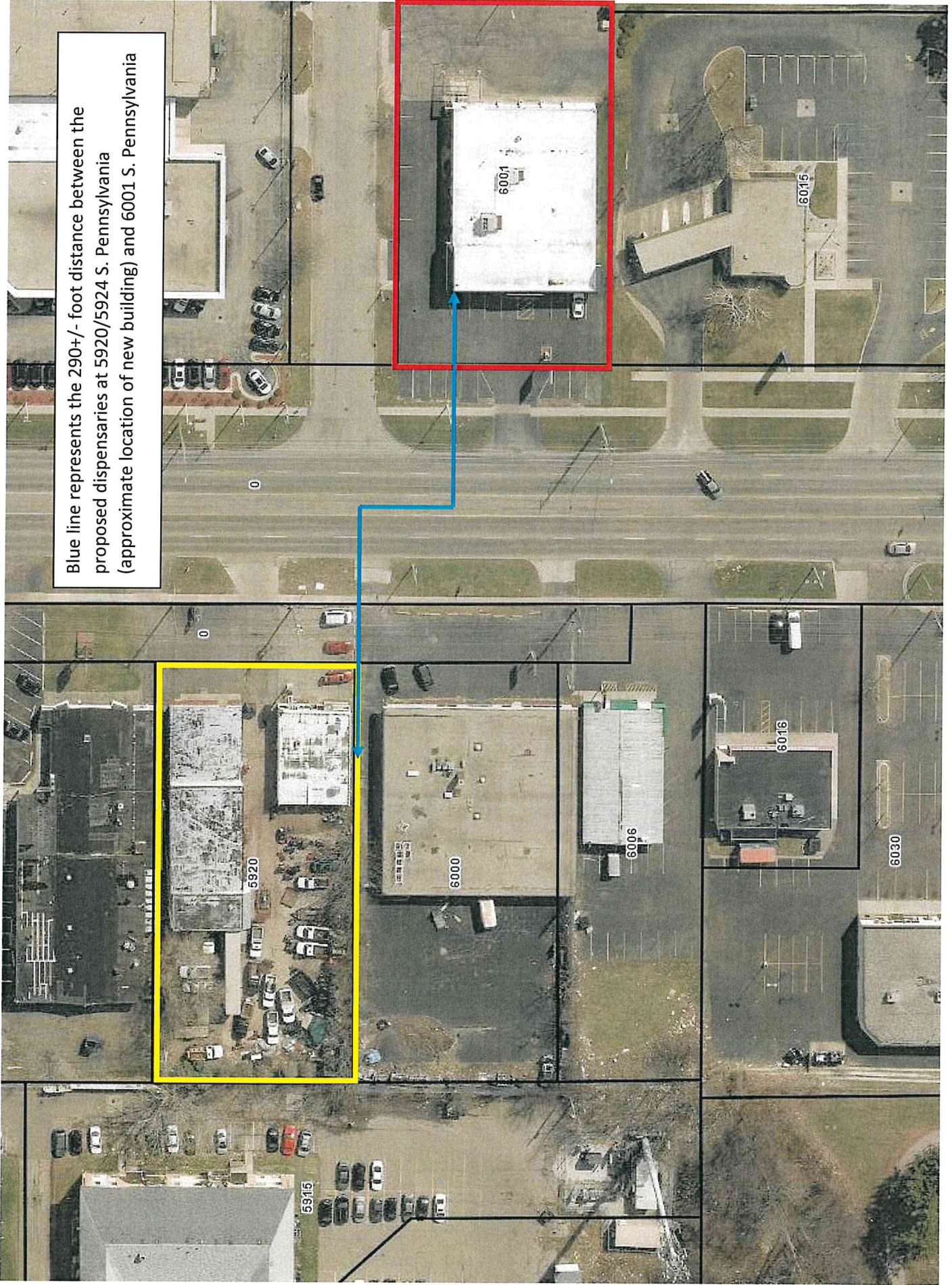
SCALE: 1" = 100'

1

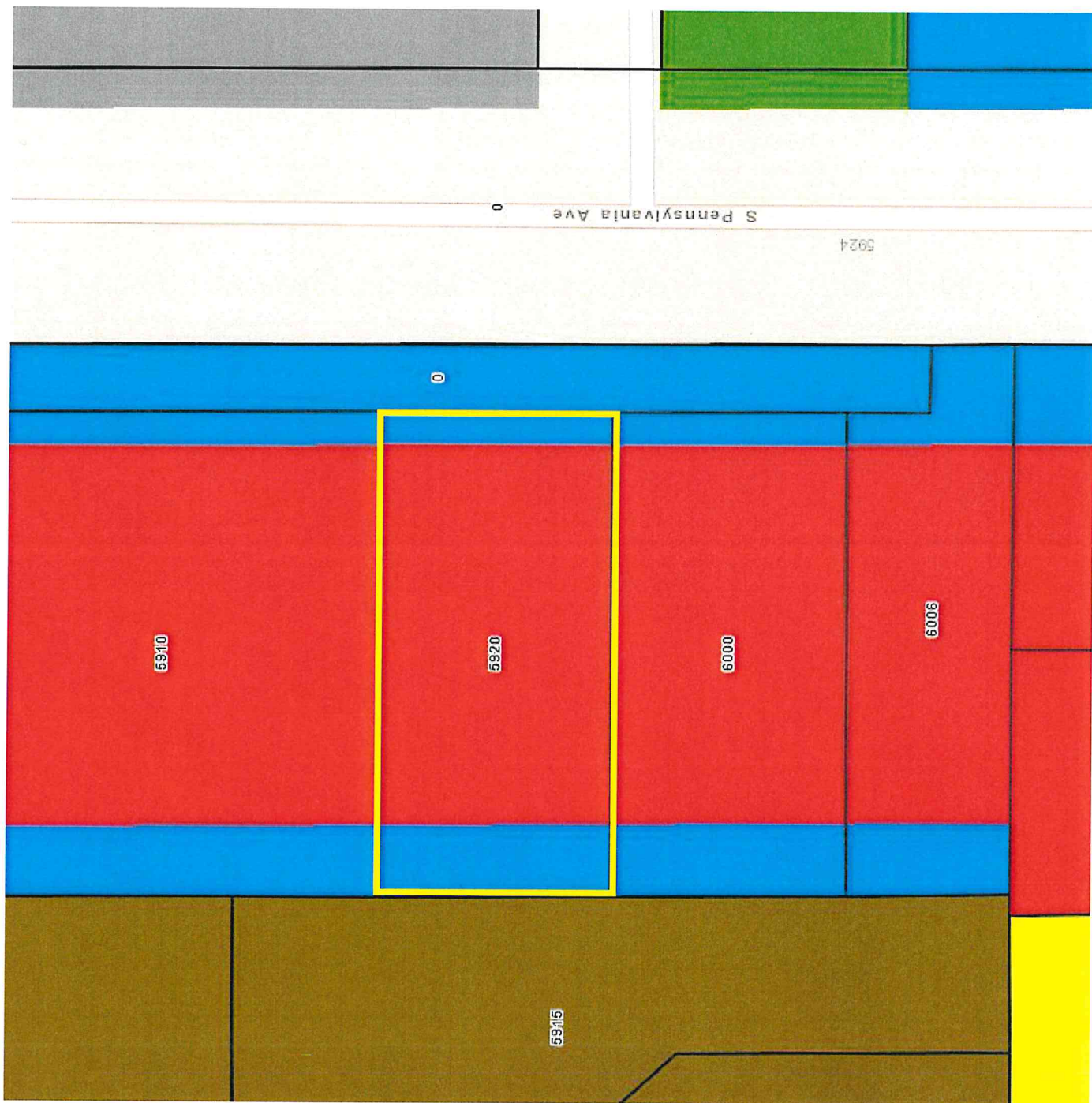
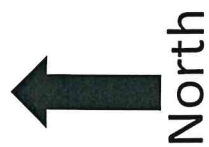


NOTE:
DISTANCES ARE LOCATED AS TRAVELED BY ROUTINE.

Blue line represents the 290+/- foot distance between the proposed dispensaries at 5920/5924 S. Pennsylvania (approximate location of new building) and 6001 S. Pennsylvania



Zoning District	
	A Residential-Single
	B Residential-Single
	C Residential-2 Unit
	NONE
	CUP Community Unit Plan
	D-1 Professional Office
	D-2 Residential/Office
	DM-1 Residential-Multiple
	DM-2 Residential-Multiple
	DM-3 Residential-Multiple
	DM-4 Residential-Multiple
	E-1 Apartment Shop
	E-2 Local Shopping
	F Commercial
	F-1 Commercial
	G-1 Business
	G-2 Wholesale
	H Light Industrial
	I Heavy Industrial
	J Parking
	ROW Right of Way



**MINUTES OF REGULAR MEETING
BOARD OF ZONING APPEALS
August 8, 2019, 6:30 P.M.
Neighborhood Empowerment Center - 600 W. Maple Street**

I. ROLL CALL

The meeting was called to order by Josh Hovey at 6:30 p.m. Roll call was taken.

Present: J. Hovey, J. Leaming, M. Rice, M. Solak, R. Fryling & E. Jefferson

Absent: M. Alling, C. Iannuzzi & K. Berryman

Staff: S. Stachowiak

A quorum of 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. Leaming to approve the agenda with the addition of "excused absences" under New Business. On a voice vote, the motion carried 6-0.

III. PUBLIC COMMENT

IV. PUBLIC HEARING/ACTION

A. BZA-4049.19, 720-724 N. Washington Avenue, Variance to the building height limitation

Ms. Stachowiak said that this is a request by the Michigan Realtors Association to construct a new office building on the properties at 700-724 N. Washington Avenue that would be 47 feet, 7 inches in height. Section 1260.09 of the Zoning Ordinance limits the height of buildings in the "D-1" Professional Office district, which is the zoning designation of the subject property, to 45 feet. A variance of 2 feet, 7 inches to the height limitation for an office building is therefore, being requested. Ms. Stachowiak stated that the staff recommendation is to approve the variance based on a finding that the request complies with all of the applicable criteria of Section 1244.06 (c) of the Zoning Ordinance and the impact criteria of Section 1244.06 (e), as described in the staff report for this request.

Ms. Stachowiak said that the basis for the variance to permit the additional building height involves the need for a drop-off canopy at the main entrance to the building which would need to be 14'8" in height in order to provide enough clearance for emergency vehicles. She said that the subject property is zoned "D-1" Professional Office, which district requires a 20 foot setback for both buildings and parking lots from all property lines adjacent to a public right-of-way. Ms. Stachowiak said that, in contrast to most properties, 3 of the 4 property lines on the subject property adjoin a public right-of-way. This means that a 20 foot wide strip of land along the north, south and west property lines is completely unusable, even for parking which significantly limits the buildable area of the site and the amount of parking that could be constructed

thereon. Ms. Stachowiak said that if the variance is denied, the applicant would be limited to a 2-story building that would consume more of the land and possibly result in the need for a variance to the setback requirements or to the required number of parking spaces. She said that alternatively, the proposed building may have to be dramatically reduced in size to the extent that it would no longer meet the applicant's needs which could result in the project being abandoned altogether. Ms. Stachowiak said that the he limitations on the buildable area caused by having 3 property lines abutting a right-of-way line is unique to the subject property and creates a practical difficulty for the applicant in redeveloping the site. She also said that the variance is very minimal and since the slight increase in building height is only necessary in order to accommodate the required clearance for a covered entrance to the building, denial of the variance would create an unnecessary hardship for the applicant in making reasonable use of the site.

Mr. Hovey opened the public hearing.

Craig Hondorp, Progressive AE, 1811 4 Mile Road, Grand Rapids, stated that he is representing the applicant, Michigan Realtors. He stated that the additional height allows for a covered entranceway to the building with enough clearance for emergency vehicles.

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

Mr. Fryling asked why there is a 45 foot height limitation.

Ms. Stachowiak said that it is because the majority of "D-1" Professional Office zoning in the City adjoins or is in very close proximity to residential land uses and the height limitation is to ensure that the buildings are compatible in scale. She said that in this case, there are no adjoining residential uses.

Mr. Rice stated that the practical difficulty that warrants approval of the requested variance involves the small size of the site which, when coupled with the added setback restrictions of having frontage on 3 streets, makes it difficult to develop horizontally. He said that in order to maximize use of the site, the applicant has to build vertically. Mr. Rice stated that the additional height is necessary for safety reasons and since the proposal complies with the variance evaluation criteria, he will be voting in favor of the request.

Mr. Leaming made a motion, seconded by Mr. Rice to approve BZA 4049.19 for a variance of 2 feet, 7 inches to the building height limitation to permit a 3 story office building at 700-724 N. Washington Avenue that would be 47 feet, 7 inches in height, on a finding that the variance is 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. On a roll call vote, the motion carried unanimously (6-0).

V. **OLD BUSINESS** - None

VI. **NEW BUSINESS**

A. **Excused Absences**

Mr. Rice made a motion, seconded by Mr. Leaming to grant excused absences for Ms. Alling, Mr. Iannuzzi & Mr. Berryman. On a voice vote, the motion carried unanimously (6-0).

VII. APPROVAL OF MINUTES

A. Regular Meeting, March 14, 2019

Mr. Rice made a motion, seconded by Mr. Leaming to approve the minutes from the regular meeting held on March 14, 2019, as printed. On a voice vote, the motion carried unanimously (6-0).

VIII. PUBLIC COMMENT

IX. ADJOURNMENT AT 6:37 P.M.

Respectfully Submitted,

Susan Stachowiak, Zoning Administrator