
MINUTES OF REGULAR MEETING – *Approved 8/23/22*
BOARD OF ZONING APPEALS
Thursday, June 9, 2022, 6:30 P.M.
600 W. Maple Street, Lansing, MI 48915

I. ROLL CALL

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

Present: M. Alling, J. Hovey, K. Berryman, E. Jefferson, M. Rice, J. Leaming, C. Iannuzzi, & B. Fryling

Absent: M. Solak

Staff: S. Stachowiak

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

II APPROVAL OF AGENDA

It was moved by Mr. Leaming, seconded by Ms. Jefferson to approve the agenda with the addition of “Excused Absence” under New Business. On a voice vote, the motion carried unanimously (5-0).

III. PUBLIC COMMENT

IV. PUBLIC HEARING/ACTION

A. BZA-4076.22, 109 E. Randolph Street, Variance to the parking requirement to permit a 20-bed, State-licensed, adult foster care home

Ms. Stachowiak stated that this is a request by Bruce Hicks for a variance to the parking requirement to allow the building at 109 E. Randolph Street to be used for a state-licensed adult foster care, large group home for the aged (up to 20 residents). Section 1254.01.03 of the City of Lansing Zoning Ordinance requires 10 parking spaces for the proposed group home. There are no parking spaces on the subject property. A variance of 10 to the required number of parking spaces 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 said that the building on the subject property has historically been used as a convent for 17 nuns. She said that at one time it would have been located on the same property as the church to its west. Somewhere along the line, it was split off and became its own parcel of land although the church continued to allow the nuns to utilize

its parking lot. Ms. Stachowiak said that a new owner would need to use the on-street parking in the area as there is no parking on the site and no way to construct any new parking in compliance with the Zoning Ordinance requirements. She said that the goal is to accommodate a new use that would be reasonable given the size and design of the site and building located thereon, while protecting the neighborhood from any negative impacts. Ms. Stachowiak said that the proposed adult foster care center seems to be the best use of the property in fulfillment of this goal as traffic generated by the facility and hence, use of on-street parking will be minimal, outdoor activity will be very limited and the facility will not generate noise, fumes, light glare, etc. that would be disruptive to the neighborhood. Ms. Stachowiak state that without a variance to the parking requirements, the only use that would be allowed is one single family dwelling which, given the size of both the building and the property, is not reasonable.

Ms. Alling opened the public hearing.

Bruce Hicks, applicant, spoke in support of his request. Mr. Hicks stated that he intends to ensure that the proposed foster care center is not disruptive to the neighborhood. He said that they will have a few staff members to meet the State of Michigan licensing requirements and there will be occasional visitors during the day. Mr. Hicks said that they will keep the use of on-street parking in the area to a minimum.

Father John Fain, Priest at St. Therese Catholic Church, spoke in support of the variance. He explained that the Church has limited resources with regard to snow removal and cannot plow the parking lot very often which could cause problems for people from the proposed facility utilizing the parking lot during a snow event, if the Church were to lease parking spaces to the applicant.

Colleen Beutler, 2606 Creston Avenue spoke in support of the variance but expressed concerns about over-use of the on-street parking.

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

The Board discussed the use of on-street parking as it is only permitted along the south side of E. Randolph Street and is shared by the residents of the area and the church.

Ms. Stachowiak stated that there seems to be very little use of the on-street parking by the residents of the neighborhood and by the church. She said that any use of the building other than a single-family dwelling is going to need a variance to the parking requirements and the proposed use is the one which would likely generate the least amount of traffic and use of on-street parking. Ms. Stachowiak stated that, unless the applicant can come to some agreement with the church for use of its parking, there are no other options except to use the on-street parking and so without a variance, the building is essentially rendered useless.

Mr. Iannuzzi made a motion, seconded by Mr. Berryman to approve BZA 4076.22, a request for a variance of ten (10) to the required number of parking spaces to permit a 20-bed, state-licensed adult foster care center in the existing building at

109 E. Randolph Street, on a finding that the variance complies with the variance evaluation criteria set forth in Sections 1274.06 (c) & (e) of the Zoning Ordinance. On a roll call vote, the motion carried unanimously (8-0).

V. OLD BUSINESS

1. BZA-4075.21, 545 Paris Avenue – Request for reconsideration of a variance to permit 2 driveways

Ms. Stachowiak stated that the BZA, at its January 13, 2022 meeting, considered a request to allow a second driveway at 545 Paris Avenue that was installed, at the request of the property owner, by Consumer's Energy as part of a construction project in the area. There were 5 members present at the meeting which is the minimum necessary for a quorum. A motion to approve the variance failed on a split vote (3 in favor and 2 opposed). According to the BZA rules of procedure and the Zoning Enabling Act, a variance can only be approved by a majority vote of the members serving on the Board (not just those present at the meeting). In other words, the vote at the January 13th meeting would have had to have been unanimous for the variance to be approved.

Ms. Stachowiak said that the owner of the property at 545 Paris Avenue is requesting reconsideration of the variance at a meeting where all Board members are present. She said that this matter has been reviewed by the City Attorney's Office which has determined that, while the Board is under no obligation to reconsider the variance, there would be nothing preventing the Board from doing so. Ms. Stachowiak said that if the Board decides if it will reconsider the variance, it could do so at its next meeting. She pointed out that it is extremely rare that all 9 members are present at a meeting.

Larry Salstrom, attorney, spoke on behalf of the applicant. He said that the applicant should have been given the option of having the vote on her request delayed until a meeting when there would be more than a minimum quorum present. He also stated that the variance should have been approved since it is not a new driveway as it existed when the applicant purchased the property in 1997.

Mr. Fryling and Mr. Berryman pointed out that there was some confusion at the end of the meeting as to whether the variance was approved since a majority of those present at the meeting, voted in favor of the variance.

Mr. Fryling made a motion, seconded by Mr. Berryman to approve the request to reconsider BZA 4075.21 for a variance to permit two driveways at 545 Paris Avenue. On a roll call vote, the motion failed (3-5). Mr. Rice, Ms. Jefferson, Ms. Alling, Mr. Iannuzzi and Mr. Hovey cast dissenting votes.

VI. NEW BUSINESS

A. Excused Absences

Mr. Leaming made a motion, seconded by Mr. Ri8ce to approve excused absences for Mr. Solak. On a voice vote, the motion carried unanimously (8-0).

VII. APPROVAL OF MINUTES

A. Regular Meeting, January 13, 2022

Mr. Rice made a motion, seconded by Ms. Jefferson to approve the January 13, 2022, meeting minutes, as presented. On a voice vote, the motion carried unanimously (8-0).

VIII. PUBLIC COMMENT

IX. ADJOURNMENT AT 7:32 p.m.

Respectfully Submitted,

Susan Stachowiak, Zoning Administrator