
NO QUORUM WAS PRESENT AT THIS MEETING**MINUTES OF REGULAR MEETING****BOARD OF ZONING APPEALS****July 13, 2017, 6:30 P.M.****Neighborhood Empowerment Center - 600 W. Maple Street**

I. ROLL CALL

Ms. Alling read the BZA introduction. Roll call was taken.

Present: M. Alling B. McGrain J. Quick Mr. Rice

Absent: J. Hovey E. Horne K. Litwiller J. Leaming

Staff: S. Stachowiak

A quorum was not present and therefore, only the public hearing were held.

II. HEARINGS/ACTION**A. BZA-4030.17, 816 Call Street**

Ms. Stachowiak stated that this is a request by Michael Doherty to permit the house at 816 Call Street to be occupied by four (4) unrelated persons. Section 1248.03(m)(1) of the Zoning Ordinance permits a single family dwelling in the "B" Residential district, which is the zoning designation of the property at 816 Call Street, to be occupied by a maximum of three (3) unrelated persons. A variance of one (1) to the occupancy limitation for unrelated persons 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 said while no practical difficulty can be discerned in this case, the applicant considers that denial of the variance would create an unnecessary hardship with regard to use of the dwelling at 816 Call Street. The applicant would like the option of utilizing the house at 816 Call Street for a "functional family" which is a group of unrelated persons living together as a single household unit. Ms. Stachowiak said that the hardship borne by the applicant cannot necessarily be considered "self-created" since the 4-bedroom house was constructed in 1918 and the applicant purchased it in 2003. She said that if the variance were to be denied, the house would be underutilized as one of the bedrooms would not be able to be used for its intended purpose.

Ms. Alling opened the public hearing.

Michael Doherty, 816 Call Street, spoke in support of his request. He said that the subject property is one of the largest lots and one of the nicest houses in the area. He said that he has good tenants in the house and does not want to evict them. Mr. Doherty said that the house was in foreclosure at one point and he purchased it and brought it up to code. It has passed all inspections and by removing one of the doors inside the home, it now functions as a single family home rather than a duplex.

Mr. McGrain asked if the house was a duplex when Mr. Doherty purchased it. He also asked

about the status of leases with the current tenants.

Mr. Doherty said that the house was set up as a duplex. He said that there are 2 leases, one for each couple in the houses.

Pamela Foster, 734 Call Street, spoke in opposition to the request. She said that she purchased her home because it is a single family residential area and she does not want to see it become overpopulated. Ms. Foster said that there have been issues with rentals in the neighborhood and she would rather have families that are going to have roots in the area rather than transient tenants in a rental unit.

Floyd Holloway, 735 Call Street, spoke in opposition to the request. He said that there is not adequate parking on the site for 4 vehicles and overnight on-street parking is illegal. Mr. Holloway said that he would rather have owner-occupied houses in the area instead of rentals. He said that it sounds like the subject property is going to be a rooming house which is not in the best interest of the neighborhood.

Rita Holtham, 819 Call Street, spoke in support of the request. She said that there are great people living in the home at 816 Call Street. She said that she lives right across the street and has lived in her home for 50 years. Ms. Holtham said that the house at 816 Call Street looks a lot better than most of the other houses on the street and she supports the request.

Joanne VonWerder, 745 Call Street, spoke in opposition to the request. She said that she cannot see where there is room for 4 vehicles on the subject property.

Mr. Doherty said that there is room on the side of the house to install additional parking. He said that he has been putting a lot of money into the property but does not have a lot of money to continue doing so. Mr. Doherty stated that he has other rentals in the City and he is not a slumlord.

Ms. VonWerder said that if Mr. Doherty has other rentals in the City, he should have checked on the rules regarding occupancy before things go to this point.

Ms. Stachowiak said that the only issue in this case is whether there can be a 4th unrelated person living in the house. She said that any house in the City of Lansing can become a rental so rental versus owner-occupied is not the issue.

Mr. Rice asked if the garage is being used for storage.

Mr. Doherty said that the garage has been converted to living space. He said that there is room for parking in the driveway on an angle for 4 vehicles but that he could construct additional parking on the site.

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

B. BZA-4031.17, 222 N. Chestnut Street

Ms. Stachowiak stated that this is a request by the Michigan Community College Association to construct a parking lot in the front yard at 222 N. Chestnut that would have setbacks of 12.02 from the front property line along W. Ionia Street and 6.17 feet from the front property line along N. Chestnut Street. Section 1284.03(a) of the Zoning Ordinance prohibits parking within the required 20 foot front yard setback in the "D-1" Professional Office district, which is the zoning designation of the property at 222 N. Chestnut Street. Variances of 7.98 feet and 13.83 to the required front yard setbacks for a parking lot at 222 N. Chestnut Street are therefore, being

requested. Staff recommended denial on a finding that the variances 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 said that there is nothing unique about the subject property that sets it apart from the other properties in the same general vicinity, most of which are relatively small, have limited on-site parking and contain older homes that have been converted to offices over the years. In fact, the subject property is actually one of the largest lots in the area. While the amount of parking on the site may be inadequate to accommodate the use, there is on-street parking provided in the area and there may be opportunities for shared parking with other offices or institutions in the surrounding area.

Ms. Stachowiak said that the area is characterized by buildings located close to the streets with the parking either to side or rear of the buildings so that parking does not dominate the streetscape. There was a house located north of the existing building that was demolished in 2003, within a few months of the applicant purchasing the property. The demolition of the house has left a vacancy on a corner lot which has been disruptive to the development pattern in area. Allowing that greenspace to be converted to a parking lot, particularly with reduced setbacks, would be even further disruptive to the appropriate and orderly development of the area.

Ms. Alling opened the public hearing.

Kathy Taskey, Business Manager, Michigan Community College Association, 222 N. Chestnut Street, spoke in support of the request. She said that there are 10 employees in the building for the Association. She said that it serves as a training facility and provides programs for the 28 community colleges in the State of Michigan. Ms. Taskey said that they do share parking with the church across the street but they have a lot going on as well and their parking lot is full much of the time. She said that when they host events and training programs, their visitors and employees often have to use the on-street metered parking. Ms. Taskey stated that they are in need of more on-site parking and the vacant lot is a logical place for it. She said that the house that previously existed at that location was far too dilapidated for it to be cost effective to renovate. Without the variances, they could construct about 6 spaces as a matter of right but makes more sense to construct a double row of parking with a nice landscape buffer which will look a lot nicer than what it looks like now as a vacant lot.

Jeff Kyes, Kebs, Inc., 2116 Haslett Road, Haslett, MI, spoke in support of the request. He said that it would not be feasible for the applicant to only construct 6 parking spaces. Mr. Kyes said that the site is rectangular but it is small and without a variance, it cannot be developed appropriately. He said that they originally wanted to construct 15 parking spaces but scaled it back to 12 in order to accommodate an appropriate landscape buffer.

Mr. McGrain asked how the Association came to own the property and what they intent was when it purchased the property.

Ms. Taskey said that she purchased it in 2003, demolished the house because of its level of deterioration and combined that lot with the lot to the south at 222 N. Chestnut Street so that it all became one parcel.

Michelle Taylor, Michigan Community College Association, 222 N. Chestnut Street, spoke in support of the request. She said that rather than investing in the house that they demolished, which was far too costly given the level of deterioration, they decided to invest in the house that is still standing on Ionia. Ms. Taylor said that the church already leases some of its spaces but they frequently run out of parking.

Ms. Taskey asked if there will be opportunity for a full presentation to the other Board members who are not here at the next meeting before this is voted upon.

Ms. Stachowiak said that the minutes from this meeting will be provided to all of the Board members.

Ms. Alling said that there will not be another public hearing but the applicant will be allowed to provide comments to the full Board.

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

IV. **OLD BUSINESS** - None

V. **PUBLIC COMMENT** - None

VI. **APPROVAL OF MINUTES**

A. **Minutes of regular meeting held on April 13, 2017**

VII. **NEW BUSINESS** - None

IV. **ADJOURNMENT AT 7:14 P.M.**

Respectfully Submitted,

Susan Stachowiak, Zoning Administrator