

**MINUTES OF SPECIAL MEETING
BOARD OF ZONING APPEALS
July 26, 2018, 6:30 P.M.**

Neighborhood Empowerment Center - 600 W. Maple Street

I. ROLL CALL

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

Present: M. Alling, J. Quick, J. Leaming, M. Rice & K. Berryman

Absent: J. Hovey (excused), C. Iannuzzi (excuse) & K. Litwiller

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. Quick to approve the agenda as printed. On a voice vote, the motion carried 5-0.

III. PUBLIC COMMENT

IV. ACTION

A. BZA-4037.18, 230 S. Holmes Street

Ms. Stachowiak said that this is a request by Unity Spiritual Center of Lansing for a variance to permit an addition on the west side of the building at 230 S. Holmes Street that would have a setback of 3 feet from the front property line along Prospect Street to the nearest point of the covered entrance the proposed addition. Section 1250.07 of the Zoning Ordinance requires a front yard setback of 20 feet in the "C" Residential district which is the zoning designation of the property at 230 S. Holmes Street. A variance of 17 feet to the front yard setback requirement is therefore, being requested. Ms. Stachowiak stated that staff is recommending approval of the request, based 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.

Ms. Stachowiak said that the primary purpose of the proposed addition is to make the building handicap accessible. Like most neighborhood churches that have been in existence for several decades, the site is very small which makes it difficult to make changes to the building/site in order to bring it into compliance with current requirements for handicap accessibility without relief from setback requirements. Ms. Stachowiak stated that the proposed addition will not result in the loss of any parking spaces on the site and, except for the covered entranceway, the addition will be right in line with the wall of the existing building. She said that there are letters of support for the request in the packet from the P.L.A.C.E. and the Association for the Bingham Community neighborhood organizations.

The public hearing was held at the July 12, 2018 meeting at which there was not a quorum to take action on the request. No comments were received at the public hearing.

Nanette Podany, 322 John Street, Charlotte, MI, representing Unity Spiritual Church, spoke in support of the request. She said that the intent of the proposed addition is to accommodate a barrier-free restroom and to provide for a chair-lift and full barrier-free access to the building. Ms. Podany said that they hold neighborhood events and there are people that

cannot get into the building because it is not accessible.

Mr. Rice said that he is able to support the variance. He said that the addition is in line with the wall of the existing building and with the setbacks of other buildings in the area. Mr. Rice said that the small size of the lot creates a practical difficulty in making the building handicap accessible. He said that without a variance, there is no way to make the building accessible.

Mr. Leaming asked how the addition will impact the limited amount of parking on the site.

Ms. Stachowiak said that the proposed addition will not take up any of the parking that currently exist on the site. She also said that parking for churches is based on seating in the sanctuary and since the proposed addition will not increase the seating capacity, no additional parking is required as part of this project.

Mr. Quick said that he is able to support the request. He said that the new addition is consistent with the established setback pattern in the area. He also said that the variance is necessary to make the building, which was constructed prior to existing code regulations, handicap accessible so that it can be accessed by all individuals, regardless of physical limitations.

Ms. Alling expressed support for the request. She said that the church serves as a community center of sorts for the neighborhood and as such, it needs to be fully accessible.

Mr. Leaming and Mr. Berryman also stated their support for the variance based on the circumstances described in the staff report and as discussed at this meeting.

Mr. Leaming made a motion, seconded by Mr. Rice to approve BZA 4037.18 for a variance of 17 feet to the 20 foot front yard setback requirement to permit an addition with a covered entrance to the west side of the building at 230 S. Holmes Street that would have a setback of 3 feet from the nearest edge of the covered entrance on the proposed addition to the Prospect Street front property line, 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 (5-0).

B. BZA-4038.18, 3815 S. Cedar Street

Ms. Stachowiak said that this is a request by Elaine Westhouse on behalf of Immaculate Heart of Mary Church for a variance to permit a new parking lot at the southwest corner of Rosemont Street and Hunter Blvd. that would have a setback of 8 feet from the front property line along Rosemont Street. Section 1284.03(a) of the Zoning Ordinance prohibits parking within the required 20 foot front yard setback in the "A" Residential district, which is the zoning designation of the subject property. A variance of 12 feet to the required parking lot setback is therefore, being requested. Ms. Stachowiak stated that staff is recommending approval of the request, based 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.

Ms. Stachowiak stated that the parking lot will comply with the required setback along Hunter Blvd. and will have a setback of 8 feet from the front property line along Rosemont Street which is sufficient to provide an effective landscape buffer to soften its view from the street. She said that the other parking lots on the site do not have any setbacks or landscape buffers and thus, the proposed parking lot will not be disruptive to the setback pattern already established in the area. Ms. Stachowiak said that since the intent of setback requirements is to establish uniform development patterns along roadways, the requested variance will not be contrary to the intent of the ordinance.

Ms. Stachowiak said that the practical difficulty in this case that warrants relief from the ordinance is the irregular shape of the lot. She said that the applicant is in need of the proposed 28 parking spaces, not only for the existing church facilities but also to support the use of the proposed new building. The irregular shape of the lot makes it difficult to design a parking lot that would comply with all of the applicable dimensional requirements and still accommodate a reasonable number of parking spaces to make the project worthwhile. Denial of the variance to reduce the setback on the east side of the lot, however, will result in the loss of 7 of the 28 proposed parking spaces.

The public hearing was held at the July 12, 2018 meeting at which there was not a quorum to take action on the request. No comments were received at the public hearing.

Dave Swanson, 329 E. Cesar Chavez Avenue, representing Immaculate Heart of Mary Church, spoke in support of the request. He said the new building will be a physical education/gym facility for the school. Mr. Swanson said that the church already struggles to accommodate parking without burdening the neighborhood with excessive on-street parking. He said that they cannot maximize parking without a variance and based on the proposed layout, it will not be out of character with the neighborhood.

Mr. Leaming asked about the landscaping.

Ms. Stachowiak said that it will be located on the private side of the sidewalk as required by ordinance. She said that the new parking lot will be well landscaped, particularly in comparison to existing parking lots in the area.

Mr. Rice said that there is a clear practical difficulty in this case as regards the small size and irregular shape of the lot, coupled with the need to provide parking and make use of the site. He said that parking is the most logical use of the property and without a variance, the site would essentially be rendered useless as it would not accommodate enough parking to make the project worthwhile.

Mr. Quick expressed his support for the request.

Mr. Quick made a motion, seconded by Mr. Leaming to approve BZA 4038.18 for a variance of 12 feet to the 20 foot front yard setback requirement to permit a parking lot at 3815 S. Cedar Street that would have a setback of 8 feet from the front property line along Rosemont street, 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 (5-0).

V. OLD BUSINESS

VI. APPROVAL OF MINUTES - Regular Meeting, May 10, 2018

Mr. Leaming made a motion, seconded by Mr. Berryman to approve the minutes from the regular meeting held on May 10, 2018, as presented. On a roll call vote, the motion carried unanimously (5-0).

VII. NEW BUSINESS

A. Rules of Administrative Procedure

Ms. Stachowiak said that all of the City Boards and Commissions are reviewing their rules of procedure to make sure that they are up-to-date. She said that the BZA Rules of Procedure have not been updated since the 1960's. Ms. Stachowiak said that the proposed Rules do not change the way the BZA currently conducts its meetings. She said that this matter will be on the next meeting agenda for further discussion and approval.

Ms. Stachowiak was asked to provide the charter provision referred to on page 4.

B. Excused Absences

Mr. Leaming made a motion, seconded by Mr. Berryman to grant excused absences for Mr. Hovey and Mr. Iannuzzi. On a voice vote, the motion carried unanimously (5-0).

VIII. PUBLIC COMMENT

VIII. ADJOURNMENT AT 7:00 P.M.

Respectfully Submitted,



Susan Stachowiak, Zoning Administrator