



Andy Schor
Mayor

**LANSING BOARD OF ZONING APPEALS
REGULAR MEETING
DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING
600 W. Maple (Neighborhood Empowerment Center)
Thursday, March 12, 2020, 6:30 PM**

AGENDA

- I. ROLL CALL**
- II. APPROVAL OF AGENDA**
- III. PUBLIC COMMENT**
- IV. PUBLIC HEARING/ACTION**
 - A. BZA-4056.20, 230 S. Holmes Street, Request to restore/reconstruct a nonconforming fire-damaged church building**
 - B. BZA-4055.19, 1215 River Street, Appeal of administrative decision to permit a new telecommunications tower that would have a reduced setback and a reduced separation distance between telecommunications towers**
- V. OLD BUSINESS**
- VII. NEW BUSINESS**
- VI. APPROVAL OF MINUTES**
 - A. Regular Meeting, October 10, 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).

**MINUTES OF REGULAR MEETING
BOARD OF ZONING APPEALS
October 10, 2019, 6:30 P.M.
Neighborhood Empowerment Center - 600 W. Maple Street**

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. Leaming, M. Rice, K. Berryman, R. Fryling & E. Jefferson

Absent: J. Hovey, C. Iannuzzi & M. Solak

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. Leaming, seconded by Mr. Rice to approve the agenda with the addition of "excused absences" under New Business and the removal of BZA-4054.19 which has been withdrawn by the applicant. On a voice vote, the motion carried 6-0.

III. PUBLIC COMMENT

IV. PUBLIC HEARING/ACTION

A. BZA-4052.19, 573 Paris Avenue, Variance to the front yard setback requirement for a detached garage

Ms. Stachowiak said that this is a request by Anna & Justin Paluch for a variance to permit a new detached garage at 573 Paris Avenue that would have a setback of 15 feet from the Grant Street front property line. Section 1248.07 of the Zoning Ordinance requires a front yard setback of 20 feet for the proposed garage. A variance of 5 feet to the front yard setback requirement 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 applicants are requesting a variance to construct a new garage closer to the front property line so that they will have more green space in the back yard. The applicant bases a practical difficulty on the width of the lot which is 10 feet less than the minimum width under the current ordinance for a corner lot. The applicant also considers that compliance with the front yard setback requirement would cause an unnecessary hardship on the owner since the garage would not extend any closer to the street than the existing covered porch on the side of the house. Ms. Stachowiak said that while the width of the property is 10 feet less than the current requirement for a corner lot, it is comparable in size to the other corner lots in the area. She said that since there is nothing particularly unique about the property to establish a practical difficulty, approval of the variance would need to be based on a finding that

compliance with the ordinance requirement would create an unnecessary hardship for the applicants. In other words, there would need to be a finding that the variance could be approved while still upholding the intent of the ordinance requirement which is to create a uniform development pattern and preserve open vistas along roadways. Ms. Stachowiak said that in this case, the front wall of the proposed garage would be even with the setback of the covered porch on the Grant Street side of the house that appears to have been part of the original construction of the house in 1939. She also said that there are numerous other houses and garages along Grant Street that have setbacks equal to or even less than what the applicants are proposing for the new garage.

Ms. Alling opened the public hearing.

Justin Paluch, 573 Paris Avenue, spoke in support of his request. He said that the old garage has been demolished and he would like the new garage to be placed closer to the street so that they can have more green space in the back yard.

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

Mr. Leaming said that there are other houses and garages in the area that have setbacks that are the same or in some cases, even less than what the applicant is proposing. He said since the proposed setback is generally consistent with the existing setback pattern along Grant Street, approval of the variance will not be contrary to the intent and purpose of the ordinance standard.

Mr. Rice said that the variance is only necessary because the width of the lot is 10 feet less than the current width requirement for corner lots.

Mr. Leaming made a motion, seconded by Mr. Rice to approve BZA 4052.19 for a variance of 5 feet to the 20 foot front yard setback requirement to permit the construction of a detached garage at 573 Paris Avenue that would have a front yard setback of 15 feet from the Grant Street front property line, on a finding that the variance would be consistent with the practical difficulty/unnecessary hardship 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).

B. BZA-4053.19, 5008 S. M.L. King Blvd., Variance to the rear yard setback requirement for a new gasoline station building

Ms. Stachowiak said that this is a request by SBR M99, Inc. for a variance to permit a new gas station building on the property at 5008 S. ML King Jr. Blvd. that would have a setback of 1.75 feet to the rear lot line. Section 1268.08 of the Zoning Ordinance requires a rear yard setback of 25 feet in the "F" Commercial district which is the zoning designation of the subject property. A variance of 23.25 feet to the rear yard setback requirement 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 stated that the practical difficulty involving the size of the property could be considered self-created since the applicant recently split the property off from

the parcel that contains the grocery store, thus creating a separate parcel that is insufficient in size to permit the proposed construction. She said that the issue is whether denial of the variance would create an unnecessary hardship on the owner. In other words, if the variance could be granted while still upholding the intent of the rear yard setback requirement which is to allow for access to the rear of a building and to provide a buffer between commercial buildings and adjoining residential uses. Ms. Stachowiak said that when the subject property was recently split from the grocery store property, an easement was put in place to allow for access around the site in perpetuity. She said that this easement also covers the drive aisle on the parcel to the north and since the easement ensures that there will be unrestricted access to the entire interior perimeter of the subject property across the adjoining commercial parcels, the reduced setback will not be contrary to the intent of the ordinance. Ms. Stachowiak stated that there will be nothing on site that defines the new parcel lines and thus, it will still function and appear as though it is all one site. She also stated that if the variance is approved, the building will have to be properly fire rated in accordance with the requirements of the Michigan Building Code for its close proximity to the rear property line.

Ms. Alling opened the public hearing.

John Saad, civil engineer, Hanna Engineering & Consulting, Livonia, MI, spoke in support of the variance. He said that he is aware of the building code requirements for a building that is within 1.75 feet of the rear property line. Mr. Saad said that the building will be 1.75 feet from the rear property line at its nearest point but extends to about 7 feet because of the angle of the rear property line. He stated that the building will not be as big as most gas station stores but it will be a lot bigger than the existing building. He also said that the parking right now is behind the building and there is no handicap parking at all for the gas station. Mr. Saad said that the new plan will provide for an appropriate parking layout and a much more functional station in general.

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

Mr. Fryling asked about the 1.75 foot rear yard setback and about the underground fuel tanks.

Mr. Saad said that they will utilize bollards to protect the building walls and will plant landscaping behind the building. He said that there will be no walls or doors on the back wall of the building. He also said that the project is a total reconstruct of the gas station but that the underground fuel tanks will remain in place as it would be too costly to replace them.

Mr. Rice said that by pushing the building to the back of the lot, it allows the parking to be on the front and sides rather than behind the building which is far more practical.

Mr. Leaming asked about the height of the proposed building.

Mr. Saad said that the building will be no more than 17 feet high. He said that the building will have 3 varying elevations to give it character, utilizing brick and imitation wood for the exterior building finishes.

Mr. Rice said that the practical difficulty involves the shallow depth of the lot. He said that by providing easements around the site, it will function properly and will not create a setback pattern that is contrary to the intent of the ordinance.

Mr. Rice made a motion, seconded by Mr. Leaming to approve BZA 4053.19 for a variance of 23.25 feet to the rear yard setback requirement to permit a building at 5008 S. M.L. King that would have a setback of 1.75 at its nearest point to the rear lot line, on a finding that the variance would be consistent with the practical difficulty/unnecessary hardship 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 Absence

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

VII. APPROVAL OF MINUTES

A. Regular Meeting, September 12, 2019

Mr. Rice made a motion, seconded by Mr. Leaming to approve the minutes from the regular meeting held on September 12, 2019, as printed. On a voice vote, the motion carried unanimously (6-0).

VIII. PUBLIC COMMENT

IX. ADJOURNMENT AT 6.56 p.m.

Respectfully Submitted,

Susan Stachowiak, Zoning Administrator

GENERAL INFORMATION

APPLICANT/OWNER: Unity Spiritual Center of Lansing
230 S. Holmes Street
Lansing, MI 48912

REQUESTED ACTION: To approve the restoration of the nonconforming, fire damaged church building at 230 S. Holmes Street

EXISTING LAND USE: Church

EXISTING ZONING: "C" Residential District

PROPERTY SIZE & SHAPE: Irregular Shaped Lot – 15,042 square feet (.345 acres)

SURROUNDING LAND USE: N: Single Family Residential
S: Single Family Residential
E: Single Family Residential
W: Single Family Residential

SURROUNDING ZONING: N: "C" Residential District
S: "C" Residential District
E: "C" Residential District
W: "C" Residential District

MASTER PLAN DESIGNATION: The Design Lansing Master Plan designates the subject property for medium-low density residential use. S. Holmes & Prospect Streets are both designated as local roads.

REQUEST

This is a request by Unity Spiritual Center of Lansing to permit the fire damaged church building at 230 S. Holmes Street to be restored/repared. The building has been granted "Class A" nonconformity by the standards of Section 1294 of the Zoning Ordinance. The site is considered nonconforming because it does not comply with the minimum 2 acre lot size and does not have access to a major or minor arterial as required for churches on a residentially zoned parcel of land. As a "Class A" nonconformity, the building can be restored/repared following damaged caused by a fire where the restoration/repair work exceeds 50% of the value of the building prior to the damage, if approved by the Board of Zoning Appeals in accordance with Section 1294.06(b) the Zoning Ordinance which provides as follows:

“A Class A nonconformity damaged by fire, explosion, flood, erosion or any other catastrophe may be restored or reconstructed if the cost of restoration or reconstruction is not more than 50 percent of the nonconformity's pre-catastrophe fair market value of the building, except that this 50 percent limitation on restoration and reconstruction shall not apply for 15 years from the date credits are issued for a building that receives Federal IRS low income housing tax credits and which has been granted a payment in lieu of taxes under Chapters 884 and 886 of these codified ordinances. When the 50 percent limitation applies and damage is greater than 50 percent, the restoration or reconstruction may be permitted only by the Board of Zoning Appeals.”

The estimate from the church's insurance company to restore the building exceeds \$400,000. While the exact value of the church building prior to the damage is unknown, it would not even come close to \$800,000 and thus, there is no question as to the need for approval by the Board of Zoning Appeals to allow its restoration/repair.

The variance criteria is not applicable to requests for restoration/repair of a “Class A” nonconformity in excess of 50% of its pre-catastrophic value. Since the Zoning Ordinance does not establish criteria to evaluate these types of requests, the criteria set forth in the Ordinance for evaluating “Class A” nonconforming status requests will be used to evaluate this request.

CLASS A NONCONFORMING STATUS - CRITERIA

Section 1294.04 of the *Zoning Code* states that Class A status may be granted to nonconformity if the public health, welfare and safety would be served. However, this section goes on to state that Class A status will *not* be granted if any of the following exist:

1. ***The request involves a nonresidential use located on a local street and the Transportation Engineer reports a negative impact.***

The request does involve a non-residential use (church) located on local street. The City's Transportation Engineer has been consulted and is not reporting any negative impacts caused by the church on the street system in the area. The City also has no record of any complaints against the church with regard to traffic or on-street parking.

2. ***The activities associated with the nonconformity generate smoke, odor, air pollution, water pollution, vibration, glare or noise which is more than the level associated with the uses permitted by right in the district in which the nonconformity is located. The Planning Division may require the applicant to provide reliable technical evidence for the purpose of determining the amount of smoke, odor, air pollution, water pollution, vibration, glare or noise which exists on the lot for which Class A status is being sought.***

There is no evidence that the church generates smoke, odors, air pollution, water pollution, vibrations, glare or noise beyond the levels associated with the residential

uses that are permitted by right in the zoning district in which the church is located. When residing next to or in close proximity to a church, there has to be a reasonable expectation that it will generate traffic in the neighborhood, that there will be a need for parking to support the activities of the church, that there will be some noise that is unavoidably caused by vehicles on the property (engines starting, doors opening and closing, etc.) and that the parking lot will have to be plowed during snow events. The City has no record of any complaints against the church with regard to smoke, odor, pollution, vibrations, glare or noise, with the exception of an email received on 1/18/2020 (see attached) from an adjoining resident expressing concerns about vehicle doors being closed too noisily on the church property.

3. *The nonconformity does not meet one or more of the parking requirements designated in Chapter 1284. However, if an applicant provides reliable data to the Planning Division which indicates that peak hour parking demand for the use shall not exceed the number of parking spaces available during the highest intensity of use, then Class A status may be granted. The highest intensity of use shall be determined by the Division.*

Section 1284.13 of the Zoning Ordinance requires one (1) parking space for each three (3) seats or six (6) linear feet of pews in the churches main unit of worship. The church does not have pews or fixed seats. According to the Fire Marshall's Office the maximum capacity for the sanctuary is 85 persons. This would require 28 parking spaces which cannot be accommodated on the site. It is the determination of the Planning Division, however, that the "available" parking is sufficient to meet the demand for parking during the peak hour of the churches highest intensity of use, thus allowing for Class A Nonconforming Status to be granted.

The church holds one service on Sunday mornings where, for a period of 2-3 hours, it is operating at its highest intensity level. The remainder of the week, with the exception of the occasional funeral or special event, the level of activity is much lower and is generally able to be accommodated by the existing, roughly 12-16 on-site parking spaces. For the Sunday service, some of the parishioners who live in the surrounding neighborhood walk to the church while others either park on the site, utilize the Sparrow parking lot located one block to the north or the on-street parking in the area. The Sparrow lot, which is otherwise not in use during peak hour parking demands for the church on Sunday mornings, contains more than 100 parking spaces. There are also more than 50 on-street parking spaces within 1 block of the church along both Holmes and Prospect Streets.

The applicant has provided data (see attached) showing that attendance for parishioners that would occupy a seat in the sanctuary has not exceeded 72 since the 3rd quarter of last year. In fact, since the fire occurred on September 8, 2019, a few parishioners have decided to leave the church altogether, thus reducing the parking demand. The gravel parking lot on the church property has typically been used to

park about 12-16 vehicles. The applicant has provided a plan showing that the site is capable of accommodating 24 vehicles which would provide the required amount of parking for 72 seats in the sanctuary. Expanding the existing parking lot, however, would bring the parking much closer to the adjoining houses which could negatively impact those residents in terms of noise and light glare and from an appearance/aesthetic standpoint (views from windows). In order to protect the adjoining residents from the effects of adding additional parking and since the "available" parking in the area has historically proven to be adequate to support the church during its peak hour parking demand, any expansion of the on-site parking lot is not recommended.

This request was evaluated using the same criteria established in the Zoning Ordinance for evaluating requests for "Class A" nonconforming status and found to be in full compliance therewith. Based on this evaluation, a recommendation to approve the request is offered for the Boards' consideration.

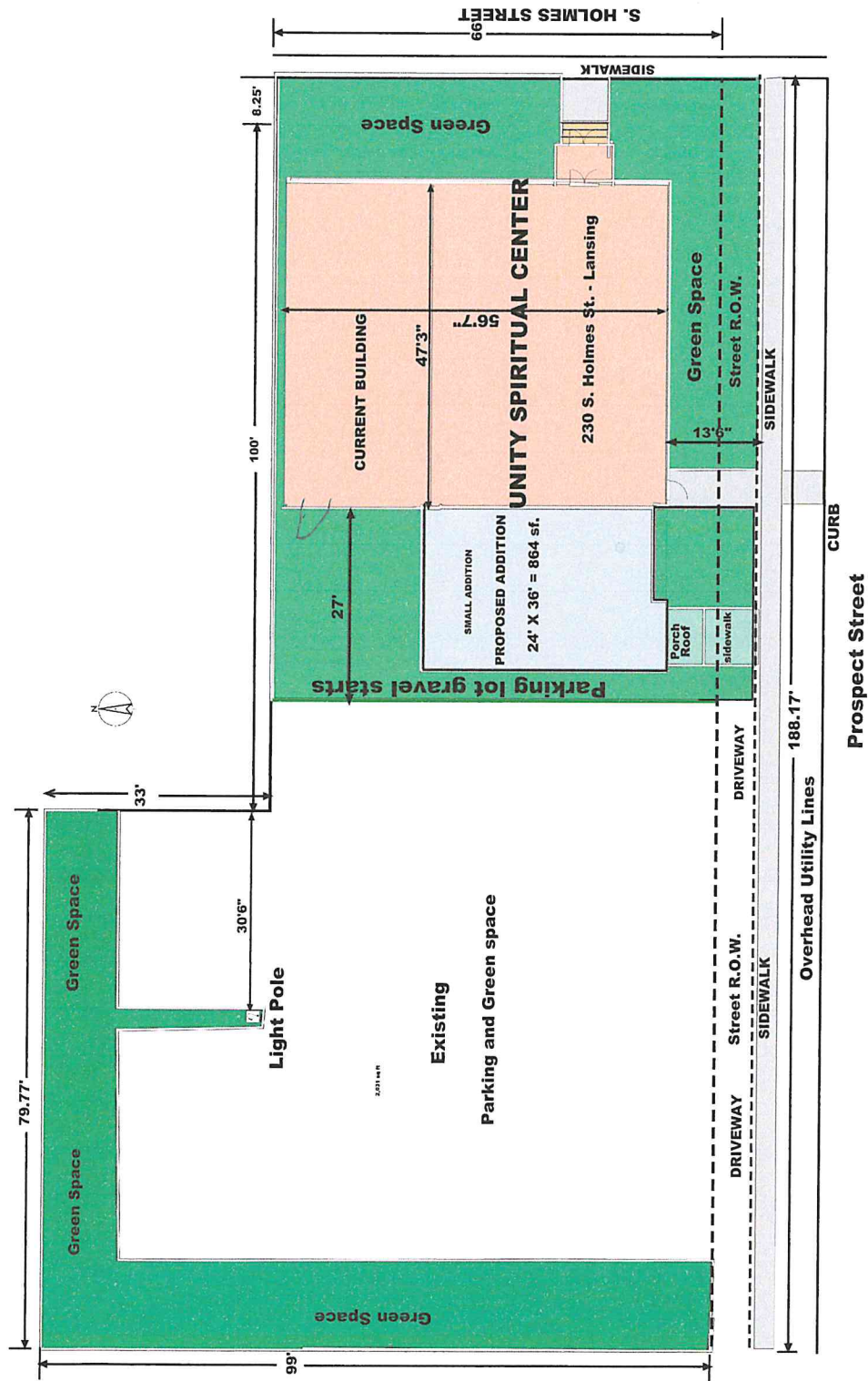
RECOMMENDATION

Staff recommends approval of the request to permit the restoration/repair of the fire damaged church building at 230 S. Holmes Street at a cost that exceeds 50% of its value prior to the damage, with the condition that the necessary permits are obtained and the work to restore/repair the fire damage to the building at this location commences within one (1) year from the date of this approval.

Respectfully Submitted,

**Susan Stachowiak
Zoning Administrator**



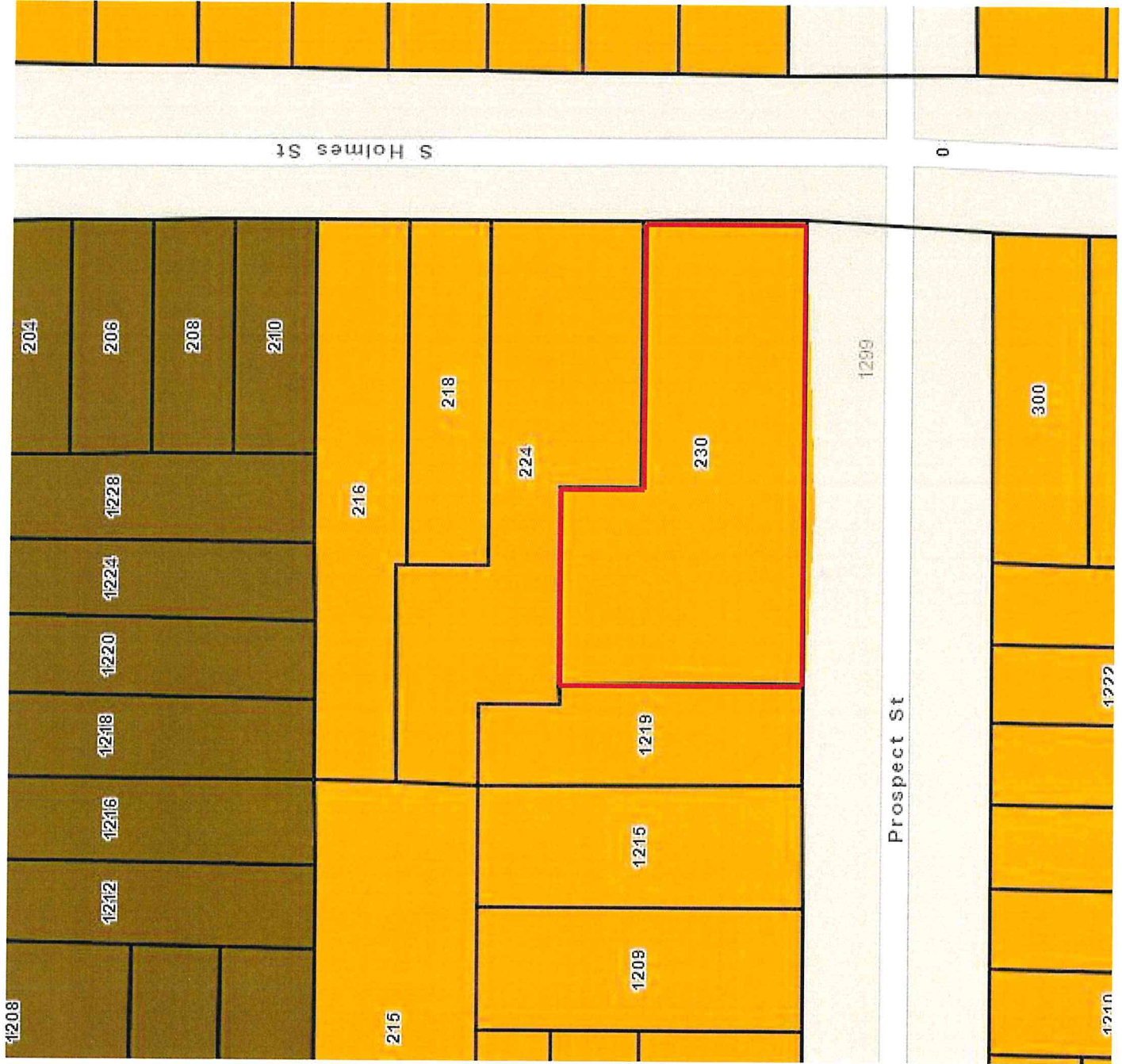
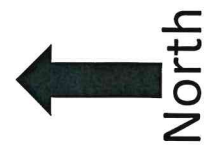


SITE PLAN – 24' x 36' Addition (blue)
UNITY SPIRITUAL CENTER OF LANSING
230 S. HOLMES ST. - LANSING, MI



North

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



230 S. Holmes – Communications

1. Letter and church service attendance data from Unity Spiritual Church (applicant) in response to the issues brought up at the January 7, 2020 public hearing
2. Petition containing 109 signatures in support of the NCU request
3. Letters/emails in opposition to the NCU request:
 - a. 2 from Lora Bruder, church member, Williamston
 - b. Chris Hershberger, 1216 Prospect
 - c. Janet Hershberger, 1216 Prospect
 - d. Linda Garza, 216 S. Holmes
 - e. 4 from Belinda Fitzpatrick, 224 S. Holmes, adjoining property owner to the north
4. Letters/emails in support of the NCU request:
 - a. Joan Nelson, Executive Director, Allen Neighborhood Center on behalf of the ANC Board of Directors, 1611 E. Kalamazoo
 - b. Jennie Grau on behalf of the Prospect PLACE Neighborhood Association
 - c. Chris Janson, Church board members and area resident
 - d. Kay Batterson,
 - e. Pamerla Miklavcic, Executive Director, The Davies Project, 230 Bingham
 - f. James Hagan, Hagan Realty
 - g. Naomi Snyder
 - h. Winalee Zeeb, 1808 E. Michigan Avenue, church member
 - i. Susan Winkelstern, Mulliken, MI, church member
 - j. Barbara Starling, 1419 Prospect, church member
 - k. Connie Cogswell-Samohovetz, 1215 Prospect
 - l. 2 from Christine Clements, 1219 Prospect, adjoining property owner to the west



Office/ Mailing Address: 1426 E. Michigan Ave., Lansing MI 48912
Sunday Services: The Fledge, 1300 Eureka St. Lansing MI 48912
Phone: 517 371-3010 Email: UnityLansingOffice@gmail.com
Minister: Rev. Sharon Ketchum revsharonketchum@gmail.com

January 15, 2020

Dear Susan Stachowiak and the Lansing Zoning Board,

Several opponents of our request for a variance provided misinformation at your January 7, 2020 Board Planning meeting, which may have confused the board members. We would like the opportunity to supply the correct information and answer any questions that resulted from that misinformation.

Since 2002^{*1} Unity has held services at the Holmes Street location until the fire on September 8th, 2019. The existing building is split-level. Upon entering, you had to either climb up-stairs to get to the sanctuary and offices or go down stairs to get to the fellowship/kitchen area or bathrooms. We have some congregants that have mobility challenges using the stairs.

We searched for several years to find a more mobility-friendly location, but were unable to find an affordable one in good repair that was so centrally located as this Holmes Street building. In 2017-2018, the congregation voted to invest our savings in an addition to our current building that would provide an elevator, handicap bathroom, a couple of offices on the upper level, and meeting room in the basement of the addition. We actually had done some preliminary architectural work on this before the fire, and a set-back variance was obtained from the City.

After the fire, a few members wanted to take the insurance money and move to, in their words, a "better neighborhood" with "more parking". Because we now have insurance money to spend, our bylaws required us to obtain a membership vote on how that money would be used. A vote was taken on November 24th, 2019. It was a 55 to 15 vote by the membership to stay at the Holmes Street location and rebuild. The four Unity members who spoke at the Board Planning meeting were not happy with the results of the membership vote and are taking every opportunity to override the churches bylaws and the vote of the membership. One of these members said she was representing 15 people. However, not all of the other 11 people have left the church or seem angry, so we question her claim of representing 15 people.

The misinformation presented at the Board Planning meeting is corrected with the following:

- **Seating Capacity:** 200 **Fact:** Our seating capacity is 100. Our average attendance at Sunday services since 2016 has been 71-76 people. We are not increasing the size of the sanctuary. We will go to two services if we get a large increase in attendance.
- **Weddings and Rentals** to large groups of people. **Facts:** In the three years we have been in this location, we have not had any Weddings. We have hosted the following types of gatherings:
 - Church classes and small groups with attendance of 6-24 people
 - Church concerts/musician performances – average attendance 30 with a high of 62.
 - Showers, birthday parties, family gatherings, trade shows - less than 100
 - Funerals – two of which ran over capacity.
 - Neighborhood activities such as "Trunk or Treat", Ice Cream Socials, Summer Potlucks, etc. – less than 100 people indoors at a given time

¹ Originally Unity Spiritual Renaissance, the group combined with Unity of Greater Lansing to form Unity Spiritual center of Lansing in 2015.



Office/ Mailing Address: 1426 E. Michigan Ave., Lansing MI 48912
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- **Glaring Light** in proposed addition: **Fact:** The plans are for a foyer light on the interior of the building, which would perhaps add some illumination spill onto the sidewalk.
- **Parking Spots: 15 Fact:** There are 23 parking spots on the lot next to the building. The addition that we are planning will not reduce the number of parking spaces. We are also within walking distance to the Sparrow Hospital parking lots at Michigan Avenue and Holmes Street.

It is interesting to note that the building has been occupied as a church since the mid 1920's, originally without any parking lot, meaning that all church attendees parked on the street. When Unity Spiritual Renaissance² (now a part of Unity Spiritual Center of Lansing) obtained the property, which included the church building and a house, they removed the house at 1231 Prospect Street due to mold and other ill repair, finally creating a parking lot space for church attendees.

Because our building was damaged just over 50% of its value and we are currently classified as Class "B" Nonconformity, we are required to apply for a Class "A" Nonconforming Status in order to restore and add on to our church home.

We love this location and are dedicated to the community. In the last 3 years we have tithed money, goods, space, and prayers to the following local area organizations:

- Share the Warmth: Coat drive, Hats, Gloves and Scarves (Tied to trees around town)
- Various organizations' food drives
- Trunk or Treat, Ice Cream Socials, Summer Potlucks, etc. for the neighborhood
- Sparrow Sickle Anemia Wing – Kindle the Kindness – Adopt a Family for Christmas Giving
- American Foundation for Suicide Prevention (AFSP) - Survivor Support Group meetings
- Prospect Street Neighborhood monthly meetings and potlucks
- Tithing approximately, \$43,000 in the last 3 years to the following: Davies Project, Salus Center, Advent House, Girls on the Run, Women's Center of Lansing, Capitol Area Human Society, Homeless Angels, Sparrow Hospital Hospice, MetaPeace, Justice in Mental Health, Ronald McDonald House, (AFSP) - Survivor Support Group, and Meals on Wheels.

The church building at 230 Holmes street has always been a neighborhood church and until around 2008 when the Prospect Street house was demolished, it was a neighborhood church without a parking lot. Prior to that, for 8 decades, people parked on the street on Sunday. To deny the request for variance to rebuild because of parking would be deflating the property value for us or anyone that owned this building. We wish to invest in the building and increase the property value for us and the surrounding homes.

If there is a variance to the current parking spot ratio that we need to apply for, please direct us to the proper form/city contact.

Sincerely,
Unity Spiritual Center of Lansing Board of Trustees and Reverend Sharon Ketchum

² Same as 1



230 S. Holmes St.
Lansing, MI 48910
unitylansingoffice@gmail.com
517-371-3010



General Facts

- **Pre-fire:** The Church has been operating in the neighborhood for over 50 years.
- **Restoration cost:** USCL does not have our building's a pre-fire value based on a realtor's assessment. Our building was insured for \$650,000. The insurance company has estimated the total payout of \$430,000 to restore the building to its original state.
- **Addition Plans:** In conjunction with the restoration of the church, USCL plans on building an addition to accommodate space for an elevator and ADA restroom on the main floor.
- **Voting to rebuild:** A special membership meeting was held on November 24th to review two options, rebuilding or buy a new location and not restore the building, 71 of 89 members attended the special meeting. The meeting was open to the public, however only members we able to vote. The vote to rebuild passed, 71 members voted. The vote was 55 to stay and rebuild, 15 voted to move, 1 abstained.
- **Seating Capacity:** Our seating capacity is 100. Our average attendance at Sunday services since 2016 has been 71-76 people. We are not increasing the size of the sanctuary. We will go to two services if we get a large increase in attendance. USCL's current membership count is 89
- **Parking Spots:** There are 23 parking spots on the lot next to the building. The addition that we are planning will not reduce the number of parking spaces. We are also within walking distance to the Sparrow Hospital parking lots at Michigan Avenue and Holmes Street.
- **Opponents to Rebuilding:** There are 4 USCL members that have decided not to accept the majority vote. 2 members live in Okemos, 1 lives in Williamston and 1 lives next door to the Church. They voiced their opinions at the Planning Board meeting on January 7, 2020.

Averages attendance including everyone

	2019	2018	2017	2016
1st Qtr	80	71	75	76
2nd qtr	75	70	78	66
3rd qtr	73	74	76	73
4th Qtr	70	80	75	69
Annual ave	75	74	76	71

These attendance records include all staff

Each Sunday there is the minister, 4 band member, a soloist, a platform assistant

Averages attendance w/o staff

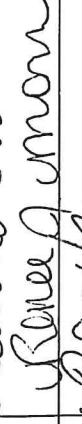
	2019	2018	2017	2016
1st Qtr	73	64	68	69
2nd qtr	68	63	70	66
3rd qtr	73	74	76	59
4th Qtr	63	73	68	61
Annual ave	69	69	71	64

Attendance for January 2020

Jan. 5th	72	w/o staff	65
Jan. 12th	55	w/o staff	48
Jan. 19th	63	w/o staff	56
Average			56

Unity Spiritual Center of Lansing's request for Class A Non-Conforming Status to restore fire-damaged church.

I support the approval of Unity Spiritual Center of Lansing's request to the City of Lansing for Class A Non-Conforming Status. This will enable them to restore their church building in a residential neighborhood at its current address of 230 S Holmes St, Lansing, Michigan.

Name (please print)	Signature	Address	Phone #	Today's Date
Kelli Gibson		1013 W. Leland St. ^{Lansing, MI 48911}	517-285-7531	1/26/20
Wynke-zac		1808 E. Michigan Ave. ^{Lansing, MI 48911}	517-719-7446	1/26/20
Christine Clements		1219 PROSPECT LANSING	517 485 9653	"
Tiffany Miller		1215 Prospect Lansing	517-512-3938	1/26/20
Daniel Steen		1215 Prospect Lansing	517-512-0724	1-26-20
Renee Morris		1209 Prospect Lansing	517 374 8980	1/26/20
Scott Morris		1209 Prospect St. Lansing	517 374 8980	1/26/20
Melissa McGillis		1215 Prospect St	517 480 0887	1/27/20
Mary Jane Walbridge		1207 Prospect St.	517 392 6657	1-27-2020
Amanda Stuck		221 Virginia St.	507-774-9159	1-29-2020
Lori Weisnater		1328 EUREKA ST ^{LANSING, MI 48912}	517-256-1278	1-29-2020
Don James		1328 Eureka St	517.890.9965	1.29.20
Dana Hoag		Dean / Lansing	410-9136	1/29/20
Rob Gilreath		222 Virginia St	517-910-3078	1/29/20
Eliana Castro		1406 Prospect St.	978 397 1034	1/29/20
James Galloway		1406 Prospect St.	978-476-7926	1/29/20
Keith McAuley		1514 Prospect St	517-290-6300	1/29/20

Unity Spiritual Center of Lansing's request for Class A Non-Conforming Status to restore fire-damaged church.

I support the approval of Unity Spiritual Center of Lansing's request to the City of Lansing for Class A Non-Conforming Status. This will enable them to restore their church building in a residential neighborhood at its current address of 230 S Holmes St, Lansing, Michigan.

Name (please print)	Signature	Address	Phone #	Today's Date
Jerry Morris	<i>J M</i>	1300 Euroeka	517 230 7679	1-26-20
IANEY CLANTON	<i>Ganey Clanton</i>	4440 Oakleaf Ridge Hill 48832	517-208-0021	1/25/20
CHRISTINE McENHILL	<i>Christine McEnhill</i>	6271 Willow Hwy GRAND Ledge, MI 48839	517-488-2123	1-26-20
Navette Podany	<i>Navette Podany</i>	322 Oak St. Charlotte MI 48813	517-204-5365	1-26-20
CHERIE LARSEN	<i>Cherie Larsen</i>	5730 W. COLUMBIA RD MASON, MI 48854	517-676-5293	1-26-20
Betty Hummers	<i>Betty Hummers</i>	508 S Scott Rd. St. Johns MI 48879	517-229-7237	1-26-20
Dean Maynard	<i>Dean Maynard</i>	2237 Leaning Dr Lansing MI	517-714-0003	1-26-20
Helen Pederson	<i>Helen Pederson</i>	1902 Riverdale East Lansing, MI 48823	517-333-4525	1-26-20
Dick Ammons	<i>Dick Ammons</i>	528 S. SCOTT RD - St. Johns	517-229-7237	1-26-20
Wynne Potter	<i>Wynne Potter</i>	1019 N. Verlinden	517 231 2674	1-26-20
Karla Janing	<i>Karla Janing</i>	4110 Loweroff Ave Lansing	517-229-7201	1-26-20
Diane Reck	<i>Diane Reck</i>	6495 Willow Hwy B.L. 48837	517-410-6639	1-26-20
Edmund Mock	<i>Edmund Mock</i>	6258 W. Angstadt Hbldg	517 240 2280	1-26-20
Claire Powers	<i>Claire Powers</i>	3400 Parnum Rd Stockbridge	989-264-9195	1-26-20
Diana Bisworth	<i>Diana Bisworth</i>	278 Bonnie Brook Charlotte	517-231-4565	1-26-20
James Robert Whitham	<i>James Robert Whitham</i>	517 CAREY ST	517-580-8842	1-26-20
GERALD PODANY	<i>Gerald Podany</i>	322 S. HAN CHARLOTTE	517 543 0180	1/26/2020

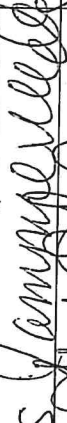
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Name (please print)	Signature	Address	Phone #	Today's Date
Denise Kee-Coelho	Denise Kee-Coelho	2214 Webster Rd, Lansing	517-243-8367	1/26/20
Christian Bachtlow	Christian Bachtlow	217 N Sycamore	517-768-3188	1-26-20
Joseph Martinez	Joseph Martinez	217 N Sycamore	517-803-5714	1/26/20
Barbara	Barbara	217 N Sycamore	517-768-3188	1-26-20
KATHLEEN ASSIFF	Kathleen Assiff	10321 BLACKBERRY LN HASCETT, MI 48840	517-339-5911	1-26-20
MARILYN DUVALL	Marilyn Duvall	111 E. JOLLY CT LANSING, MI 48910	517-394-5576	1-26-20
JILL DENNIS	Jill Dennis	8032 Maplewood Ave Lansing, MI 48910	517-484-9638	1-26-20
Greg Dening	Greg Dening	2922 Maplewood Ave Lansing, MI 48910	517-444-1294	1-26-20
Sybil Spencer	Sybil Spencer	305 N. SWEEDES ST ST. JOHNS, MI 48879	989-224-4207	1-26-20
Margaret Bishop	Margaret Bishop	1605 Glenrose Av Lansing, MI 48915	517-282-2312	1/26/20
Julia Carpenter	Julia Carpenter	222 Ferguson, Lansing	48912312933407826/20	
Marlene Roggenbush	Marlene Roggenbush	2055 Whitman Dr, Lansing, MI	989-975-3591	1/26/2020
Cherie Oxenden	Cherie Oxenden	15436 Chetopa Dr, Lansing, MI 48946	517-281-5069	1/26/20
JAMES PRINCE	James Prince	1706 Stonehaven Dr, Lansing, MI 48910	517-742-7033	1/26/20
Linda Rose	Linda Rose	3725 Stenebaugh Drive Lansing, MI 48910	517-525-3276	1/26/20
Bonnie Eckhardt	Bonnie Eckhardt	305 N Fiske	517 775-8522	1/26/20
BARB STARLING	Barb Starling	1419 Prospect Lansing, MI 48912	5179275936	1/26/20

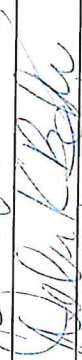
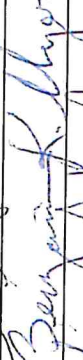
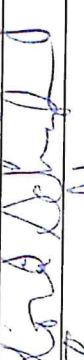
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Name (please print)	Signature	Address	Phone #	Today's Date
Gerard Nichols		217 Sycamore	n/a	1-26-20
Calvin Klien		608 W Sycamore	517-525-7403	1-25-20
Michelle Allan		217 Sycamore	708-8688	11/26/20
Jamie Williams		217 N. Sycamore	517-763-3960	11/26/20
Anne Gorman		217 N. Sycamore	517-273-102	1/26/20
Nikola Traub		217 N Sycamore	517-392-8553	1/26/20
Tracy Dobbelaere		217 N. Sycamore	517-554-1136	1/27/20
Briana Ash		217 N. Sycamore	517-525-1988	1-27-20
Philip Bushroe		1350 W Columbia Mason	517-819-8919	1-27-20
Matt Swenson		217 N Sycamore	517 703 725	1-27-20
Jane Saylor		217 N Sycamore	248 911 7830	1-28-20
Michael Hanna		512 Chestnut St	517 730 6870	1-28-20
Jack Mongio		718 Pine	269-359-5246	1-28-20
James Hector		217 N. Sycamore	517-574-2980	1/28/2020
Aaron Shuts		217 N Sycamore	989-721-4031	1/28/2020
Fred Freeman		217 N Sycamore	517-894-8224	1/28/20
Therese Cassman		217 N Sycamore	517-580-1574	1-28/20
Steven Munson		217 N Sycamore	517-580-1582	1/28/20

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Name (please print)	Signature	Address	Phone #	Today's Date
Rev Verner		10060 Dwight Ave	517 281 9358	1-26-28
Debra Baker		1106 Regent St Lansing	517-977-3578	1-26--
Jeffery Handley		525 Avon St Lansing	5178949619	1-28
Katy Kelly		125 N. Hayferdave Lansing	(517) 619-2460	1-28
EZRA KELLY		1628 S STATE DR. 48917	(517) 619-2460	1/28
AUBREY OTTON		914 Eureka St 48912	517 730 2487	1-28-20
Capri Vaughn		1401 Yellowwood 48917	517 410 1167	1/28/20
Shayna Allen		3620 Kiskadee Drive	517 862-2927	1/29/20
Benjamin K. Myers		810 N. Penn Ave.	614-900-2253	Jan 29, 2020
Lori Schaefer		11441 S. Francis Rd. Daulton	517 668 0024	1/29
Shannon Norris		2511 Eaton Rd Lansing 48910	517 930 2907	1/29/20
Kate Norris		7511 Eaton Rd Lansing 48910	—	1/29/20

Unity Spiritual Center of Lansing's request for Class A Non-Conforming Status to restore fire-damaged church.

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Name (please print)	Signature	Address	Phone #	Today's Date
Linda Skillman	Linda Skillman	6317 Royal Oak, Haslett	352-362-7048	1/26/2020
Douglas C. Eagle	Douglas C. Eagle	801 Randy, W St Johns, MI	989 224-3658	1/26/2020
Robin SLACK	Robin Slack	5185 W. Steel Rd	517-214-2960	1/26/2020
Susan Minkels	Susan Minkels	4754 W Saint Joseph, Lansing	517-712-1522	1-26-2020
LISA HASTON	Lisa Haston	431 Westmoreland, Lansing	517.483.8017	1.26.20
Ann M. McCarthy	Ann M. McCarthy	1326 W. Miller Rd, Lansing	517-721-1210	1/26/20
Karen S. Martine	Karen S. Martine	111 E. Jolly, Lansing	517/394-5552	1/26/20
Lisey Miller	Lisey Miller	10210 VanBuren Rd, Port Huron, MI	517 599-6574	1/26/20
Tom Cook	Tom Cook	1846 Rensley Rd, Port Huron, MI	517 614 2245	1/26/2020
Joell Ackermann	Joell Ackermann	3521 Indiana Rd, Okemos	517 775 8521	1/26/2020
Stella Richard	Stella Richard	504 1/2 Holmes St, Lansing, MI	517 488 9494	1/26/20
Kathleen McLaughlin	Kathleen McLaughlin	615 Baiter St, Lansing, MI	517 885 8089	1/26/20
Ken Ballard	Ken Ballard	305 S. Traver, St. Johns, MI	48879(989)2248107	1/26/20
Val JEDRZEJSKI	Val Jedrzejewski	3847 Wynbrooke		1-26-20

Unity Spiritual Center of Lansing's request for Class A Non-Conforming Status to restore fire-damaged church.

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[illegible]

Hello. My name is Lora Bruder. I am a member of the Unity Spiritual Center of Lansing, to be referred to as USCL.

I am here to speak to NCU-1-2019 230 S Holmes Street request for Class A Nonconforming Status by the Unity Spiritual Center of Lansing (USCL) to rebuild the fire damaged church for more than 50% of pre fire value. The amount of money that USCL has available to restore the standing structure and build an addition onto the current structure is approximately \$900,000; which is way beyond 50% of pre fire market value.

I am here to represent the 15 members of our church who voted to not rebuild the church building. I am here to ask that you use your zoning codes in place to deny this request for Class A Nonconformity Status under the following conditions.

Under code 1294.04 Criteria for class A status (d) 3 it explains parking requirements. It also refers to peak hours that will exceed the parking spaces available during highest intensity use. As a rental venue high intensity hours are not predictable.

USCL does not have the parking area needed to conform to Class A status code 1294.04 (d) 3.

Prior to the fire there were about 18 parking spots on an unpaved flat area adjacent to the church building (which use to have a house on it) and about 6 more on a slanted grassy surface facing the next door neighbor's house. In snow, ice and rain, this parking area is muddy, icy and not safe to walk on. There are no designated parking spots for the handicapped. There were signs put in the street for mobility challenged people. Independent Wheelchair users had no accessibility available and those needing help with walkers was cumbersome and took a few helpers to maneuver into the church. In the renovation plan discussed by a member and the minister working on the proposed addition it has been said that there will be handicapped parking in the current unpaved area. Because it is unpaved it will be extremely difficult, if not impossible for a handicapped person to independently maneuver their wheelchair or walker to move it around their car and to access the church. After the designation of the unpaved handicapped spots I just mentioned, it would leave about 12 flat parking spots in the current unpaved parking area and 5 spots on the grassy slanted area. To date we have 89 registered members and many others attend church who are not members. The sanctuary can accommodate about 150 people.

The church has been rented out for funerals, baby and bridal showers, community events, and church hosted concerts and church events in addition to the weekly Sunday service. Parking is a huge issue for all of these uses; only 12-18 parking spots in good weather are available. The streets are used for parking. The neighborhood is inundated with cars. In the snow and rain, and at night it is not safe for people to use the street parking or the designated unpaved parking area because of ice, mud and crime. There is only one light in the current parking area. We have had members approached on the street in their cars by intrusive people. If this church is allowed Class A Nonconforming Status it will attract people who want to rent this space for the events as I have already mentioned, funerals, wedding receptions, bridal and wedding showers, and concerts.... it will become more desirable by the community because of its "state of the art" condition for a venue for rental, because it already has in the

past. Remember there is approximately \$900K for rebuilding in a neighborhood that has homes 90-100 yrs old.

If Class A Nonconforming Status occurs the neighborhood will be inundated with cars and people. The harmonious and quaint environment of this neighborhood will be violated.

It has been said that the people attending the church building can park in the parking lot of Ronald McDonald House and the Sparrow parking structure which is one city block north of the church building and over a cross street/Eureka. This is more than 300 feet away. The average age of our membership is 60 years old and that number is being generous I have been told. In a few years there just may be many more people who will need handicap parking and because of mobility and safety issues they will not be able to park in the suggested parking areas or on the street for that matter and there will not be sufficient usable parking in the unpaved 12 spots parking area adjacent to the church building. Parking and people trying to use the church/community rental building will be a disaster. Mud, ice, snow will be unsafe.

In code 1284.13 Schedule of required spaces, section (b) (1) "Institutional" it reads "One (parking space) for each three seats or six linear feet of pews in the main unit of worship". Since USCL seats 150/3 would be 50 parking spaces required. I'd like to reiterate that there will only be about 12 spots that can be used to park a car on the unpaved area adjacent to the church. Please note. We don't have families attending our church. Many people come singular in their car, my husband and I do, which means on any given Sunday approximately 70-80 parking spaces are needed and we only have 12 proposed parking spots and six on a slanted grassy area. Snow, rain and mud make this area unsafe and insufficient. If the church building is rented for other purposes as I have mentioned, up to 150 people could potentially need parking spaces.

Prior to the vote by the membership it was said that "the neighborhood loves and needs us". However "the neighborhood" was not defined. I have never heard of any church or religious theology being defined by the neighborhood in which they are located. Unity surely has never been. If we are so needed, these neighbors will go where we are located, just like all of the other members have done over the 100 years of Unity's existence in Lansing. This ministry has been in four different locations in the past seven years and the members continue to attend wherever we are located. The neighborhood is not reason to remain on the corner of Prospect and Holmes, in fact for the reasons I have mentioned, there are valid reasons to move. There are other locations available for USCL to move to, as presented to the membership by a group of members who looked at other locations.

In closing I ask that you deny the application of USCL for Nonconforming status to Class A using your thoughtful and sound zoning codes, for the sake of its members, all the people who could potentially use that building and for the harmonious environment of this neighborhood to remain harmonious and unviolated. Thank you for your consideration. Do you have any questions for me?

January 7, 2020

1216 Prospect St.
Lansing, MI 48912
Dec. 31, 2019

City of Lansing Planning Office
Dept. of Planning & Neighborhood Development
Ste. D-1, 316 N. Capitol Ave.
Lansing, MI 48933

RE: NCU-1-2019, 230 S. Holmes St, Class "A" Nonconforming Status, and
BZA-4056.19, 230 S. Holmes St., Notice of Public Hearing

Dear Lansing Planning Board and Board of Zoning Appeals;

I am submitting the following as my written comments to the above two items for public hearing to be held on January 7 and 9, 2020, respectively. I am urging both boards to decline both these requests regarding 230 S. Holmes Street, Lansing, currently the site of Unity Spiritual Center.

Both notices point out that the property "does not have access to a major or minor arterial as required for churches on a residential zoned parcel of land." This is my main problem with the current situation, and it will only get worse if the church is allowed to rebuild and/or expand, as they were considering before the fire. Currently, there is a very small parking lot directly west of the church building on Prospect Street. This lot is nowhere near large enough to accommodate the number of cars for church attendees, and the overflow park on the neighborhood streets, causing undue congestion on Sunday mornings and at other times when the church is holding major functions. At these times, traffic cannot pass, causing the streets to become one-way, which causes a problem for residents, visitors, and of course, any emergency vehicles. This is especially bad in the winter.

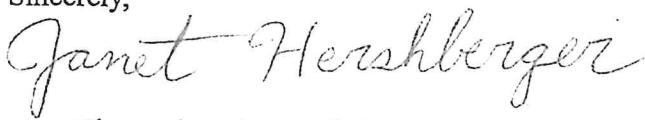
The former ABC neighborhood association president spoke with Unity's pastor on more than one occasion regarding the congregation's street-side parking. I have had numerous times when vehicles are parked so close to my driveway that I or my husband could barely get out, and then of course, we were additionally hindered navigating through the additional vehicles parked street-side for church services. We just try not to leave the house anymore on Sunday mornings, and I am tired of feeling like a prisoner in my home at that time.

Although I am sad about the fire, I was hopeful that the church would see this as a good opportunity to move elsewhere, and I know they were seriously looking into it. Since the two Unity congregations in Lansing merged several years ago, the street parking has gotten worse and worse. I am happy that they are growing, but in my opinion, they need to grow elsewhere, not in a residential neighborhood where there is totally inadequate room to accommodate their congregation.

Another issue is in the winter, I see elderly parishioners navigating icy city streets and sidewalks because they have to park more than a block from the church. This concerns me from a safety standard.

I would prefer to have my name withheld, but if that is not possible for written comments, I accept that.

Sincerely,


Janet Hershberger

1/

My name is Linda J. Marja

I live at 216 S. Holmes St. Lansing

I have lived there since 1972 (over 47 years)

I have watched as the Unity Spiritual Center has grown. They do not have sufficient parking spaces on their property so the cars are on the street

2/

I oppose the change of a class B status to Class A for Unity Spiritual Center

In this instance a small parcel of land is being singled out for special and privileged treatment

The singling out is not in the public interest but only for the benefit of the ~~landowners~~ landowner.

The action is not in accord with a comprehensive plan for a residential neighborhood.

I saw a picture of what the church rebruct would look like. It shows an enclosed light tower.

A light tower enclosed in a Church will not fit into our residential neighborhood

No one wants a ^{bright} light shinning all night.

It will be a nuisance because the gravity of the harm of a light shinning all night outweighs any benefit to the Church.

Stachowiak, Susan

From: Belinda Fitzpatrick <attorneybelindafitzpatrick@gmail.com>
Sent: Sunday, January 19, 2020 4:47 AM
To: Stachowiak, Susan
Subject: [EXTERNAL] Health impact of UNITY parking expansion

Sue,

Please share my last two e-mails with both boards, the Planning Board and the Board of Zoning Appeals.

I have multiple disabilities, which would be impacted by Reverend Sharon's plan to expand the UNITY parking lot directly behind my house.

Often I am awake all night. Then I need to sleep when all these cars are slamming their doors 30 feet behind my bedroom window. I am diabetic. Cooking in my kitchen is important to my health management. Again I find it disturbing to have cars slamming doors 30 feet behind my kitchen window. Especially in the summer. I am on a fixed income. I cannot afford air conditioning. Often I have my windows open to make my the temperature of my house bearable. I envy how UNITY can afford to run their central air day and night to keep the church cool.

A major reason UNITY should be denied their request for reclassification to Class A is the impact expansion of thier parking lot behind my home will have on my home and ability to manage my health and disabilities.

Belinda Fitzpatrick

Stachowiak, Susan

From: Belinda Fitzpatrick <attorneybelindafitzpatrick@gmail.com>
Sent: Saturday, January 18, 2020 7:58 PM
To: Stachowiak, Susan
Subject: [EXTERNAL] Missinformation. City staff need to research what is the truth.

Sue,

You need evidentiary proof to sort out the discrepancies.

Your staff needs to do the research.

Your staff needs to research the capacity.

Can the Fire Marshal determine the capacity??

They plan on making the floor one level when it was 2 levels. The partition between the "sanctuary" and the side spill over area has been removed. So, the side spill over area needs to be included as part of the sanctuary.

My friend asked about a year ago what the capacity would be for a memorial service for her mother. She was told 200, which would require 66 parking spaces.

Your staff needs to consider that the area behind my house is not a back lot or a side lot. There is not room for 33 parking spaces.

Honestly, the area behind my kitchen, which is at the back of my house needs to not be used for parking. It is also behind my back bedroom.

In a residential neighborhood it's not reasonable to have multiple car doors slamming directly behind my bedroom and my kitchen.

I want to complain. I am tired of UNITY violating their grandfathering and parking on the grassy area behind my house. I have put up with the slamming doors behind my bedroom and kitchen for too long.

Sharon admits they need 33, but only have 22 parking spaces.

Class A requires that they already have the required parking. They should be required to keep that area behind my house as green space.

Belinda Fitzpatrick

Stachowiak, Susan

From: Belinda Fitzpatrick <attorneybelindafitzpatrick@gmail.com>
Sent: Saturday, January 18, 2020 3:30 PM
To: Stachowiak, Susan
Subject: [EXTERNAL] UNITY Parking Lot Complaint

Sue,

I found it very disturbing to have a huge plow truck outside my kitchen window this morning.

I asked you about them parking on the grass, which is behind my house. You told me they cannot do that.

They plowed beyond the area where they are grandfathered to. They plowed behind my house. They didn't just dump the snow behind my house. They plowed beyond the parking area.

I object to the salt being used on that lot, because it slopes towards my garden.

Also, I believe they are grandfathered to 12 spaces at the most. They should not be using the curb cut from where they tore down the house to create a circle driveway. They have two curb cuts. They should be limited to having one curb cut.

The curbcut from the demolished house should be filled in.

They should not be allowed to use the area where they tore down the house for parking, because that area is not grandfathered in.

Add UNITY to the Fledge and it is creating a Domino Effect, which is changing this from a Residential Neighborhood to a commercial area.

How do you keep them from setting up extra chairs if more than their claimed sanctuary capacity shows up??

I have disabilities and life threatening health issues. This stress is killing me. I wish you would just enforce the Residential Zoning and have that building converted to residential use.

Belinda Fitzpatrick

Stachowiak, Susan

From: Belinda Fitzpatrick <attorneybelindafitzpatrick@gmail.com>
Sent: Tuesday, January 7, 2020 10:24 AM
To: Stachowiak, Susan
Subject: [EXTERNAL] Objection to Reclassification of 230 S.Holmes Street.

Sue Stachiowack and Lansing Planning Board,

I am objecting to reclassification of 230 S. Holmes Street from Class B to Class A.

1st - It is not legal to grant Class A reclassification, because 230 S. Holmes does not and cannot meet the requirements of Chapter 1284 for off street parking.

2nd - I am concerned about potential structural damage to my house from heavy earth moving equipment digging their new basement.

It is my legal opinion that transfer of the Variance obtained under B classification to A classification is a due process violation, because of the increased rights and resulting impacts, which I can sue about in Federal Court under 42USC1983.

My house is 9 feet from their building. They roped off an area going about half way back. I relied on this representation. Now that they have more money than they know what to do with, they want to dig the basement all the way back.

If they are allowed to repair it should be for residential use and no expansion should be allowed.

Attorney Belinda Fitzpatrick

Stachowiak, Susan

From: Joan Nelson <joann@allenneighborhoodcenter.org>
Sent: Wednesday, January 29, 2020 2:17 PM
To: Stachowiak, Susan
Cc: mary miner; Andy Draheim; COLLINS, YVETTE M; Farhat, Gregory; Harper, Abigail; janet kincaid; janet kincaid; Jennie Gies; Jonathan Lum; Kristina Adair-sankar; Rebecca Bahar-Cook; Rick Kibbey; sarah schillio
Subject: [EXTERNAL] In Support of Unity Spiritual Center of Lansing Request

Dear Sue and Members of the Zoning Board,

On behalf of the ANC Board of Directors, I write in strong support of the request from the Unity Spiritual Center of Lansing to have their property be rezoned to A-Nonconforming to allow for the rebuilding of their church following a fire last year. This energetic, faith-based organization has been a strong neighborhood asset for many years. The perennial sign in front of the church describes it as "a force for good in the neighborhood" and I have always felt this to be true.

Unity Spiritual has been a good partner to the immediate neighborhood and to Allen Neighborhood Center over the past decades. In the late 2000s, prior to the opening of our Allen Market Place facility with its commercial kitchen, Unity Spiritual allowed use of their church kitchen for ANC-hosted nutrition education classes for Eastside residents. They have supported our youth gardening programs many times with special collections and many of their parishioners are active in various of ANC programs. Finally, they have been regular participants in our periodic pastors breakfasts during which ANC and local faith-based groups share information and ideas for collaboration on neighborhood improvement.

We do hope that Unity Spiritual is allowed to rebuild in its current location in order to continue as "a force for good" for many years to come.

Thank you for your consideration of their request, and please don't hesitate to call me with questions.

Joan

--
Joan Nelson, Director
Allen Neighborhood Center
1611 E. Kalamazoo St., Lansing, MI 48912
517-999-3912 (direct dial)

Stachowiak, Susan

From: Hagan Realty, Inc. <Info@hrentals.com>
Sent: Friday, January 31, 2020 8:30 AM
To: Stachowiak, Susan
Cc: McGrain, Brian
Subject: [EXTERNAL] Unity Spiritual Center of Lansing

Good morning –

I'm writing in support of the potential rezoning/rebuilding of the Unity Spiritual Center of Lansing on Holmes St.

I have owned and managed several houses on the east side of Lansing for over 40 years; some of them within blocks of the Unity Spiritual Center. I have always seen the Center as a stabilizing feature in the area. Centers like this not only serve the religious groups, they're also a place for community gatherings, weddings, funerals, meetings and a hub for other community outreach efforts.

While I understand the zoning goal of removing non-conformities over time; I feel you would be doing the immediate area as well as the overall surrounding community a disservice by preventing the Center to rebuild in their existing location.

Allowing reinvestment of this kind, in this neighborhood in particular, will send a message to the east side residents, and hopefully other Lansing neighborhoods, that the City is interested in preserving and improving the neighborhoods. As a new building in an older neighborhood, it will also encourage increased pride of ownership and reinvestment in the surrounding houses. Accessibility is additional advantage to a new structure. Most older buildings are not accessible to individuals with disabilities or the elderly. For this reason, those people are not able to take advantage of the many benefits a place like the Center offers, therefore a new building would likely have an even wider reach and greater effect on the community.

If denied, the alternative will likely be an empty lot, and a symbol of a missed opportunity.

I urge you to support the rezoning and rebuilding of the Unity Spiritual Center of Lansing. I appreciate you including this in the information packet for the meeting. Please let me know if this is not possible.

Thank you for your consideration,
James Hagan

Stachowiak, Susan

From: Chris Janson <chrismjanson@gmail.com>
Sent: Wednesday, January 29, 2020 7:36 PM
To: Stachowiak, Susan
Subject: [EXTERNAL] Renovation of Unity Spiritual Center of Lansing

Dear Susan,

I am a Board Member and neighbor of this wonderful church and am very much in favor of renovating it back to its original state. I believe we are a positive powerful force in the Prospect Place/Bingham area.. I have been a member for the past 10 years and I hope to remain at the Holmes address for as long as I live here.

Thank-You,
Chris Janson

Stachowiak, Susan

From: Kay Batterson <kbatterson1@gmail.com>
Sent: Wednesday, January 29, 2020 9:16 AM
To: Stachowiak, Susan
Subject: [EXTERNAL] REZONING LANSING SPIRITUAL CENTER OF LANSING

ATTENTION: LANSING PLANNING BOARD

I strongly support favorable rezoning for the rebuilding of the Lansing Spiritual Center of Lansing. Not only is it an asset for the church community but it is also an asset to the neighborhood area. Your support would be greatly appreciated.

Catherine M. Batterson
915 Westover Cir, Lansing, MI 48917
PH: 517-282-3630
Kbatterson1@gmail.com

Stachowiak, Susan

From: Pamela Miklavcic <pam@thedaviesproject.org>
Sent: Monday, January 27, 2020 4:06 PM
To: Stachowiak, Susan
Subject: [EXTERNAL] Letter of Support for the Unity Spiritual Center of Lansing

Dear Ms Stachowiak,

It has come to my attention that a few people in our neighborhood are resistant to the idea of Unity rebuilding following the fire that damaged much of its building in the late summer. As the executive director of The Davies Project for Mid-Michigan Children, located two blocks west of Unity, I think this would be a shame.

Unity is part of the fabric of this neighborhood and is SUCH a good neighbor. They are supportive of our community and involved on so many levels. For example, at Christmastime, they contacted me to ask if there were families we serve who they could provide a happy Christmas for. Given that our agency is focused on sick children in need of free rides to medical care, their help was well-timed. Unity even collected a tithe for my agency, long before I moved into the neighborhood. This is a big deal for a small nonprofit without a lot of resources.

What better place for an energetic, caring church to be located than right in the middle of a neighborhood that needs all the support it can get! I would hate to lose Unity as a neighbor--and I have no doubt that the vast majority of neighbors feel the same way.

In the wake of the fire, I have been more than happy to share our firehouse for Unity prayer meetings during this interim period. I have enjoyed meeting the parishioners who attend and feel it would be a tremendous loss to expect them to move elsewhere.

Please allow Unity to rebuild. A few unkind neighbors should not determine the fate of a church that suffered such a tragic loss. Unity's home is here.

Sincerely,

Pamela Riley Miklavcic, PhD
The Davies Project

Stachowiak, Susan

From: Naomi Snyder <nomeb4@gmail.com>
Sent: Monday, January 27, 2020 5:54 PM
To: Stachowiak, Susan
Subject: [EXTERNAL] Unity church

Good evening, Susan,

I'm writing in support of Unity church in Lansing, mi in hopes they are permitted to rebuild on their former site as it offers support for the neighborhood and a gathering place for many diverse local people. As this church building has been a part on the neighborhood for many many years I can not help but feel how great the loss to the members and community it would be. It would be devastating to many I know personally.

Naomi Snyder

Stachowiak, Susan

From: Winalee Zeeb <winaleez@nianow.com>
Sent: Monday, January 27, 2020 3:47 PM
To: Stachowiak, Susan
Subject: [EXTERNAL] Supporting USCL Unity Church Rezoning for restoration from Winalee & Ron Zeeb

Hello Susan & Andy,

(Note to Susan: I'm copying Andy on this letter as I'm certain he would love to know about this rezoning need.)

Hello Susan,

My name is Winalee Zeeb. My husband Ron and I live at 1808 E Michigan Ave in Lansing. We have a business(Heartdance 1806 E Michigan) and our home is attached behind. We have lived in the Eastside of Lansing since 1980. We love Lansing and the restoration happening along Michigan Avenue and the Eastside neighborhood.

Unity is our church. We attended when Unity was on Marshall Street and now continue since the move to 230 S Holmes. This inclusive church serves our city in infinite ways and is a resource for helping others individually as well as other service groups in Lansing.

Now, Unity needs help to rebuild our church home after a destructive fire. In order to create the optimal rebuild we now need the property rezoned in order to do so. Ron & I are in 100% agreement and support for this to happen and as business owners and residents of the Eastside. We are writing in to support to help this happen.

(Why I am copying this email to Andy.)

I met Andy when he was going door-to-door on his campaign pre-election.

Andy, I so want you to know about this as well as I feel you would want to support more restoration in our neighborhood and for this Lansing commUnity.

Please let me know if there is anything further you need from me.

Thank you both for your service to our fabulous City of Lansing!

In Gratitude,

Winalee

Winalee Zeeb, Nia Trainer

Nia Brown Belt Trainer

Somatic Education for EveryBody

www.nianow.com

www.winaleezeeb.com

www.heartdancestudio.com

Cell Phone 517-719-2446 Heartdance Studio 517-485-4971

To Lansing's City Zoning Board,

Regarding: Unity Spiritual Center of Lansing
230 S Holmes
Lansing, MI 48912

January 27, 2020

As a member of Unity since 1987 I am urging you to approve the rezoning of Unity Spiritual Center of Lansing so we can rebuild our church. It has been my church home for over 15 years and I would love for it to be again. Our commitment to our neighborhood home and it's support has grown stronger and stronger over the years. It would a shame and loss for the members of our church and the neighborhood if we were denied the ability to rebuild. And it would be a real tragedy to let this building fall to ruin. We, as a church, have the finances and overwhelming membership willingness to rebuild.

I drive 30 minutes to attend this special church, I am willing to park at the available Sparrow parking ramp or Ronald McDonald house parking lot. That way there will be one less member to count toward parking spaces.

Thank you for thoughtfully considering our zoning request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan M Winkelstern".

Susan M Winkelstern
4754 W Saint Joe Hwy
Mulliken, MI 48861

Stachowiak, Susan

From: bstarlingnia@yahoo.com
Sent: Sunday, January 26, 2020 11:37 PM
To: Stachowiak, Susan
Cc: Sharon Ketchum
Subject: [EXTERNAL] Letter of Support - Unity Spiritual Center of Lansing

Dear Ms Stachowiak,

I am a long time resident and taxpayer at 1419 Prospect St. in Lansing MI (20 + years). I am also a member of Unity Spiritual Center of Lansing. I am writing this letter in support of Unity Spiritual Center of Lansing being rezoned so the building may be renovated and remain here in the neighborhood of which it is an integral part. It would be a great blessing to have this beautiful little jewel remain here on the block. Conversely it would be a travesty for it to disappear due to a technicality that, were it not for the fire, we would not be having this discussion.

Thank you for your attention and support of Unity.

Barbara Starling

Sent from my iPhone

Stachowiak, Susan

From: Grau Jennie <jennifer@grauic.com>
Sent: Friday, January 3, 2020 2:05 PM
To: Stachowiak, Susan
Cc: Sharon Ketchum
Subject: [EXTERNAL] Unity Church

Hi Susan,

Happy new year! I had hoped to send this over the Christmas holiday but got caught up with family stuff.

On December 17th the Prospect PLACE neighborhood met and discussed Unity Church's rebuilding and request for a nonconforming use zoning. This email is to support that request. The church and their members are great neighbors, an asset to the community, and we are delighted they have decided to stay. Please let me know if you have any questions.

Best,
Jennie

Jennifer M. Grau, President
Grau Interpersonal Communication
+1 (517)-484-5756 US Eastern
www.grauic.com
www.linkedin.com/in/jenniegrau/



Connie Cogswell-Samohovetz

1224 Prospect Street, Lansing, Michigan, 48912

Dear City of Lansing,

I am unable to attend the zoning meeting for the Unity Church because I will be at work. I am hoping you will decide that the little brick church will be able to stay. I own two homes on the same block with the church, so I consider them my neighbors and I am hoping that you will grant them the variance they need to rebuild. The Church is a blessing to our community. It opens its doors to everyone and is very diverse much like our neighborhood. On multiple occasions the church has opened its doors to the neighborhood children by creating activities in a warm and safe environment and welcoming them inside.

While many may be concerned about what happens if the Church stays I worry about what will happen if the church goes. I am assuming that the church will have to be torn down, and the lot sold off for the church to recover some of its losses. This makes me sad because the church has stood in that spot for almost 100 years, I feel like this is an important reason to make sure it remains because it has history and charm. What will go up in its place? A single family home? That would be nice. An Apartment structure? I hope not, because the current apartments across from the church can and have been a source of noise in the neighborhood. It is my understanding that one of the neighbors has hope that it will become a community garden. I am not sure how this will happen if the lot is sold, and I am also not sure who would take care of the community garden, because the person who wants this cannot even take care of their own yard and their idea of a garden is to let weeds grow 2 feet tall in their front yard and leave junk everywhere in the yard. We definitely do not need a lot filled with weeds or another vacant lot in our City.

While there may be some disadvantages for the church staying, like the lack of a large parking lot for their Sunday services this is only a minor inconvenience. On the positive side it slows down the traffic that sometimes races by way to fast for a residential side street, and it is only for a couple hours one day a week. The benefits of the church far outweigh this inconvenience. Unity Spiritual supports our community and all of the people in it. I stand with the majority who think it should stay and rebuild.

Thank you,

Connie Cogswell-Samohovetz

Also Co-owner of 1215 Prospect Street, Lansing, Michigan, 49812

RECEIVED

JAN 07 2020

PLANNING DEPARTMENT

January 6, 2020

City of Lansing
Planning Office
Department of Neighborhood Development

RE: Unity Spiritual Center of Lansing
BZA-4056.19

To Whom it may Concern:

This letter concerns Unity Spiritual Center of Lansing's (USCL) request for Class "A" Nonconforming Status.

For approximately eighteen (18) years I have owned/resided at 1219 Prospect Street, which is adjacent to the west side of USCL.

I consider the church to be an asset to the neighborhood. It was a factor in my decision to purchase property here. Even though I didn't start attending until 2016, it felt like an "anchor" for the neighborhood, with many attendees walking to church on Sunday mornings and/or to attend one of the classes offered.

USCL offers many opportunities for the neighborhood: a meeting place for a neighborhood group (Prospect PLACE), Trunk or Treat, game night that included opportunities for neighborhood children, to name a few.

On more than one occasion, neighbors, some from several blocks away, have stopped when I've been outside to ask what happened to the building and say they hope that USCL will rebuild. Most have said they "love that little church."

On a very personal (and probably irrelevant) note, within the next 2 – 3 years, my eyesight will be significantly impaired. I'll have to rely on others for transportation. Continuing to have my church next door will enable me to maintain a small degree of normalcy.

Please approve Unity Spiritual Center of Lansing's request for Class "A" Nonconforming Status.

Respectfully,



Christine Clements

January 24, 2020

City of Lansing
Planning Office
Department of Neighborhood Development

RE: Unity Spiritual Center of Lansing
NCU-1-2019 and BZA-4056.19 (230 S Holmes St.)

To Whom it may Concern:

I sent you a letter on January 6; this letter is to provide additional thoughts regarding Unity Spiritual Center of Lansing's (USCL) request for Class "A" Nonconforming Status.

For over eighteen (18) years I have owned/resided at 1219 Prospect Street; USCL is adjacent to the east side of my property. I am writing this letter as a neighbor; I am not a representative of the church.

When I purchased my home in 2001, the church was in its current location on the corner of Holmes St and Prospect. To the west of the church was a house and garage, to the west of that was a vacant lot, which was used as parking for the church. To the west of that is my house. There were also three trees in that lot. When the house was demolished in 2008, the size of the parking lot doubled. When the trees had to be removed, even more space was made available for parking.

It is my understanding that two acres are required to approve the rezoning so that the church can rebuild. That would be understandable if this were a large church. It is not. Even with the proposed renovation (for which the City of Lansing previously issued permits) the size of the sanctuary would not be increased.

I am also aware that one of the reasons zoning is in question is that more than 50% of the value of the building was lost in the fire. This is a brick building. From outside the building, it's difficult to tell that there was a fire. (The exception is the west side where some windows were broken and there's a tarp over a small portion of the roof.)

It's unfortunate that the neighbor who has been the most vocal about not wanting USCL to rebuild is one who has said publicly (in front of approximately 60 people) that she thinks the church should be allowed to rebuild; she just doesn't think this church should be allowed to rebuild. While I can only speculate about her reasons, I do know that she wants the church to provide her an easement so she can host events such as weddings and tailgate parties for MSU games in her yard while using the church's parking lot. USCL has refused. (She's been complaining about this I moved in.) Because of that, I question her motives.

Respectfully,

Christine Clements

GENERAL INFORMATION

APPLICANT: Ronald Redick
Mika Meyers, PLC on behalf of SBA Communications Corp.
900 Monroe Avenue, N.W.
Grand Rapids, MI 49503

OWNER: Christman Constructors, Inc (through Robert Przybyio, Cello
Partnership d/b/a Verizon Wireless, as lessee)
324 E. South Street
Lansing, MI 48910

REQUESTED ACTION: Appeal of Administrative Decision

EXISTING LAND USE: Storage yard

EXISTING ZONING: "I" Heavy Industrial District

PROPERTY SIZE & SHAPE: Irregular shape – 35,506 square feet (.81 acres)

SURROUNDING LAND USE: N: River/warehouse building
S: Railroad right-of-way/distribution facility
E: Storage yard/parking lot
W: Construction company storage yard, storage buildings
& offices

SURROUNDING ZONING: N: "I" Heavy Industrial District
S: "I" Heavy Industrial District
E: "H" Light Industrial District
W: "I" Heavy Industrial District

MASTER PLAN DESIGNATION: The Design Lansing Master Plan designates the subject property for light industrial use. River Street is designated as a local road.

SUMMARY OF APPEAL

SBA Communications is appealing the decision of the City Zoning Administrator to authorize the setback and separation distance waivers necessary to permit a new Verizon wireless telecommunications tower at 1215 River Street. Setbacks of 85 feet from the tower to the east and west side property lines (90 foot setbacks required) and separation distances of 1,396 feet (disputed) from an existing tower at 209 Baker Street and 1,481 feet (disputed) from an existing tower at 910

River Street (1,500 foot separation distance between towers is required) were approved by the Zoning Administrator as part of the site plan review and approval process.

The appellant asserts that the Zoning Administrator should not have granted waivers to Verizon for the construction of a new tower at 1215 River Street since there is an existing SBA tower at 209 Baker Street upon which Verizon could lease space to collocate an antenna. The appellant also contends that, in lieu of constructing a new tower, Verizon could simply upgrade its existing antenna on the tower at 910 River Street in order to improve its service in the area.

A complete description of the appeal, along with all of the associated documents provided by the appellant are attached to this report. Also attached are the site plan review documents and a letter from Verizon in response to the assertions made by SBA Communications as to why the tower location should have been denied by the Zoning Administrator.

AUTHORITY & PROCEDURE

The Board of Zoning Appeals is authorized to hear and decide appeals of administrative zoning decisions, in accordance with Section 1442.03 of the Zoning Ordinance as follows:

“The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the Planning Division related to the Zoning Code.”

Section 1442.04 list the procedures for appealing a decision to the BZA:

- “(a) Either of the following may take an appeal to the Board of Zoning Appeals pursuant to the procedures described in this section:
 - (1) *A person aggrieved by a Planning Division decision regarding this Zoning Code; or*
 - (2) Any officer, department, board or bureau of the City aggrieved by a Planning Division decision regarding this Zoning Code.
- (b) An applicant shall file with the Planning Division all of the following:
 - (1) A notice of appeal on forms provided by the Division. The notice of appeal shall specify the grounds for the appeal.
 - (2) A drawing which, by a decision of the Division, reasonably reflects the factors involved in the appeal.
- (c) The Division shall, upon the proper filing of the notice of appeal, immediately transmit to the Board of Zoning Appeals all the papers constituting the record of the appeal.
- (d) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Division certifies to the Board, after the notice of appeal is filed, that by reason of facts stated in a Division certification, a stay would, in the opinion of the Division, cause imminent peril to life or property. If the Division so certifies,

proceedings shall not be stayed, otherwise than by a restraining order which may be granted by the Board or by the Circuit Court by giving notice to the Division and showing due cause.”

BACKGROUND INFORMATION & RELEVANT ORDINANCE PROVISIONS

In September of 2019, Cello Partnership, doing business as Verizon Wireless, submitted a site plan to the City for the construction of a new, 120 foot high, wireless communications tower at 1215 River Street. The site plan has been approved, subject to issuance of a soil erosion permit by the City's Public Service Dept. Approval of the site plan by the Zoning Administrator correspondingly served as approval of waivers to the setback & separation distance requirements necessary to permit the tower in the location shown on the attached site plan. SBA Communications, which owns the two towers in the area for which the Zoning Administrator authorized separation distance waivers, is appealing that decision along with the decision to allow for reduced setbacks from the tower to the side property lines.

Section 1298.07 (B) (4) (i) of the Zoning Ordinance requires a setback for wireless communication towers of equal to at least 75% of the height of the tower from any adjoining property line. For the proposed 120 foot high tower, the required setback is 90 feet. The site plan shows the tower located 102 feet from the north and south property lines and 85 feet from the east and west property lines.

Section 1298.07 (B) (5) (ii) of the Zoning Ordinance requires a separation distance of 1,500 feet between towers. The documents submitted along with the site plan showed a separation distance of 1,423 feet the proposed tower to an existing tower at 209 Baker Street and 1,488 feet from an existing tower at 910 River Street.

The appellant (SBA) and Verizon are in dispute over the exact distances between the proposed towers. SBA contends that the distance from the proposed tower to the existing tower at 209 Baker Street is 1,396 feet whereas, Verizon calculates the distance at 1,411 feet. SBA also contends that the distance from the proposed tower to the existing tower at 910 River Street is 1,481 feet whereas, Verizon is contending that the actual distance is 1,510 feet and thus, no waiver is or was even necessary in this instance. The discrepancy with regard to the separation distance from the Baker Street tower is very slight and there is no dispute that it is less than the required 1,500 feet. The Zoning Administrator has no way to determine the separation distances with 100% accuracy and thus, cannot say with absolute certainty that the waiver that was granted as part of the site plan approval for the tower was not necessary with regard to the separation from the 910 River Street tower.

Since the proposed tower location (1215 River Street) is zoned “I” Heavy Industrial, approval of the tower is an administrative process (no special land use permit required) and as such, the Zoning Administrator is granted the authority to waive the setback and separation distance requirements, to a certain extent, in accordance Section 1298.05 (A) (4) of the Zoning Ordinance, which reads as follows:

“In connection with any such administrative approval, the zoning administrator may, in order to encourage shared use, administratively waive any zoning district setback requirements in section 1298.07(b)(4) or separation distances between towers in section 1298.07(b)(5) by up to fifty percent (50%).

BASES FOR ZONING ADMINISTRATOR'S DECISIONS

Setback requirement waiver:

The proposed tower will be located precisely in the center of the property at 1215 River Street. The setback requirement for a 120 foot high tower is 90 feet (75% of the height of the tower). The tower, as it has been approved by the Zoning Administrator, will be located 102 feet from the north and south property lines (no waivers required) and 85 feet from the east and west property lines (a waiver of 5 feet).

The decision to authorize the reduced setbacks was based on the following:

- * There is no way to situate the tower on the site in compliance with the setback requirements from all 4 property lines.
- * The reduced setbacks will have no negative impacts on the adjoining property owners, both of which are currently being used for open storage yards/parking lots. The property to the east is owned by the City of Lansing and the property to the west is under the same ownership as the property that is the subject of this appeal. ‘
- * The property is completely surrounded by industrial uses on industrially zoned parcels of land.
- * Since the property is zoned industrial and surrounded by industrial zoning and land uses, any construction on the property other than a tower would not be subject to any setback requirements (see setback requirements listed in Chapter 1276 of the Zoning Ordinance).
- * The nearest property being used for residential purposes is located approximately 800 feet to the northwest of the proposed tower. The location is therefore, consistent with one of the primary goals of the wireless communication tower ordinance which is to locate towers on sites that do not adjoin or are located in close proximity to residential uses.
- * The setback waivers are very minimal (5 feet) and denial would prohibit the tower, despite it being an appropriate location given the heavy industrial area in which it would be located.

Tower separation waiver:

The proposed tower will be located slightly less (dimensions described in the preceding paragraphs of this report) than the required 1,500 separation distance between the existing tower at 209 Baker Street and possibly from the existing tower at 910 River Street as well.

The decision to authorize the reduced separation requirements was based on the following:

- * The site plan for the proposed Verizon tower at 1215 River Street was submitted to the City for approval in September of 2019. At the time that the site plan and the setback/separation distance waivers were approved by the Zoning Administrator, there were no antennas on the tower at 209 Baker Street. The only antenna that is currently on that tower was installed by Sprint in October of 2019. To the best of our knowledge (not disputed by SBA), the tower at 209 Baker Street had not been in use for more than a year prior to October of 2019, thus making it an “abandoned” tower by the standards of Section 1298.09 of the Zoning Ordinance. As such, the City could have and should have required the appellant to remove its tower at 209 Baker Street but failed to do so. Instead, the City allowed the tower to remain and even be put back into use by authorizing a permit for installation of the Sprint antenna. Had the City required the removal of that tower, the separation distance from it to the proposed tower would not be an issue. Given these circumstances, it is unreasonable for the appellant to challenge the decision of the Zoning Administrator to authorize a slight waiver to the separation distance requirement between the two towers when the appellant’s tower at 209 Baker Street should not even exist at this time.
- * The only tool available to the Zoning Administrator to measure distances is with the City’s GIS system which shows that the existing tower at 910 River Street is located more than 1,500 feet from the proposed tower. This is not a 100% accurate means of measurement, however, and thus, the Zoning Administrator cannot state with absolute certainty that it exceeds the separation requirement. At most, the separation distance is 1,481 feet which is a waiver of 19 feet (1.2%). Denial of the tower for such a slight reduction in separation, particularly when there is a fair chance that it may actually comply with the requirement, is not reasonable.
- * Verizon has provided information in support of its assertion that denial of the reduced setbacks and separation distances would result in the need for the company to seek an alternate location that it needs in order to optimize and prevent gaps in its coverage. The attached letter dated January 15, 2020 from Robert LaBelle, representing Verizon Wireless, describes the deficiencies associated with the SBA tower located at 209 Baker Street that makes it an unacceptable option for collocating an antenna in lieu of constructing the new tower. The Zoning Administrator is not a wireless communication expert or engineer and thus, relies to a certain degree on information provided by the carriers with regard to service coverage and the suitability of existing towers to fulfill the carrier’s needs. The appellant has provided information intended to demonstrate that its towers at 209 Baker Street and 910 River Street are sufficient to serve the needs of Verizon through co-location and upgrade to existing facilities. In this case, however, the history associated with the lack of

antennas on the tower at 209 Baker Street is a strong indication that there are issues associated with the tower that have made it undesirable to wireless communication carriers for collocating antennas. In addition, Verizon already has an antenna on the tower at 910 River Street and is still experiencing issues with its coverage in the area.

- * The separation distance waivers are very minimal and denial would prohibit the tower, despite it being an appropriate location given the heavy industrial area in which it would be located.

OTHER

A building permit for construction of the tower (no application for building permit has been made at this time) cannot be authorized until the Board of Zoning Appeals has made its decision on this appeal and the time frame for either party (Verizon or SBA) to file an appeal of the BZA's decision to the Circuit Court, in accordance with the provisions of Section 125.3606 (3) of the Michigan Zoning Enabling Act, has expired.

SUMMARY & CONCLUSION

SBA Communications is appealing the decision of the City Zoning Administrator to authorize the setback and separation distance waivers necessary to permit a new Verizon wireless telecommunications tower at 1215 River Street. Setbacks of 85 feet from the tower to the east and west side property lines (90 foot setbacks required) and separation distances of 1,396 feet from an existing tower at 209 Baker Street and 1,481 feet from an existing tower at 910 River Street (1,500 foot separation distance between towers is required) were approved by the Zoning Administrator as part of the site plan review and approval process in accordance with the authority granted by Section 1298.05 (A) (4) of the Zoning Ordinance as follows:

“In connection with any such administrative approval, the zoning administrator may, in order to encourage shared use, administratively waive any zoning district setback requirements in section 1298.07(b)(4) or separation distances between towers in section 1298.07(b)(5) by up to fifty percent (50%).

Using the most conservative measurements, the Zoning Administrator authorized a 6% waiver to the setback requirement, a 1.2% waiver to the separation distance between the proposed tower and the existing tower at 910 River Street and a 7% waiver to the separation distance to the tower at 209 Baker Street, all of which are well within the percentage for administrative waivers allowed by the ordinance. In addition, the new tower will be of sufficient height to accommodate at least 2 antenna colocations. The decision made by the Zoning Administrator to grant the waivers necessary to permit a new cell phone tower at 1215 River Street, therefore, was an appropriate and reasonable exercise of the authority provided to that position by Section 1298.05 (A) (4) of the Zoning Ordinance and should be upheld by the Board of Zoning Appeals.

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

JOB No.	05268-8025
REVISION:	
1. NO. SHEET	2 OF 2
REV. DATE	8/27/18
DATE	8/27/18
PROJECT	05268-8025-01
FILE	05268-8025-01

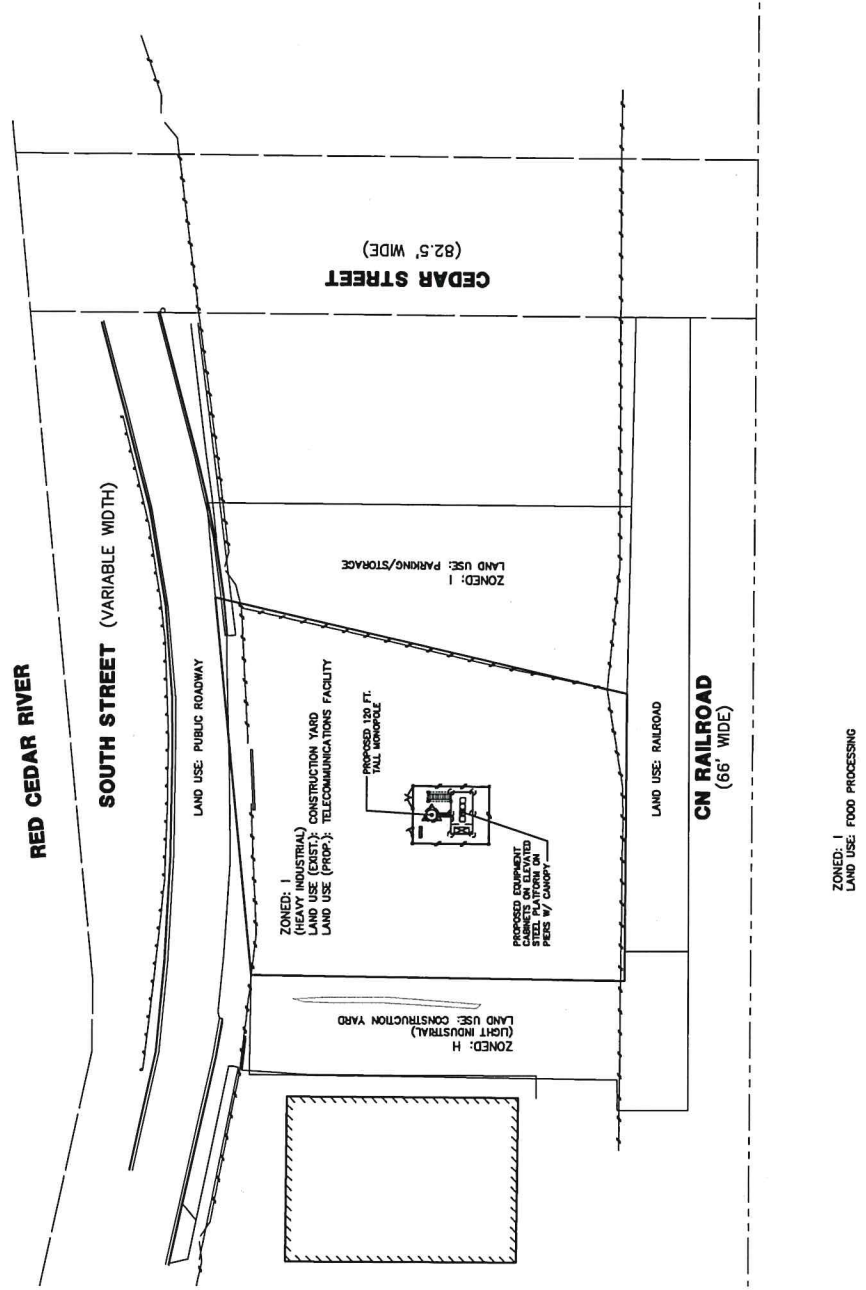
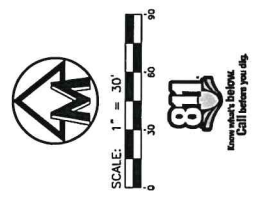
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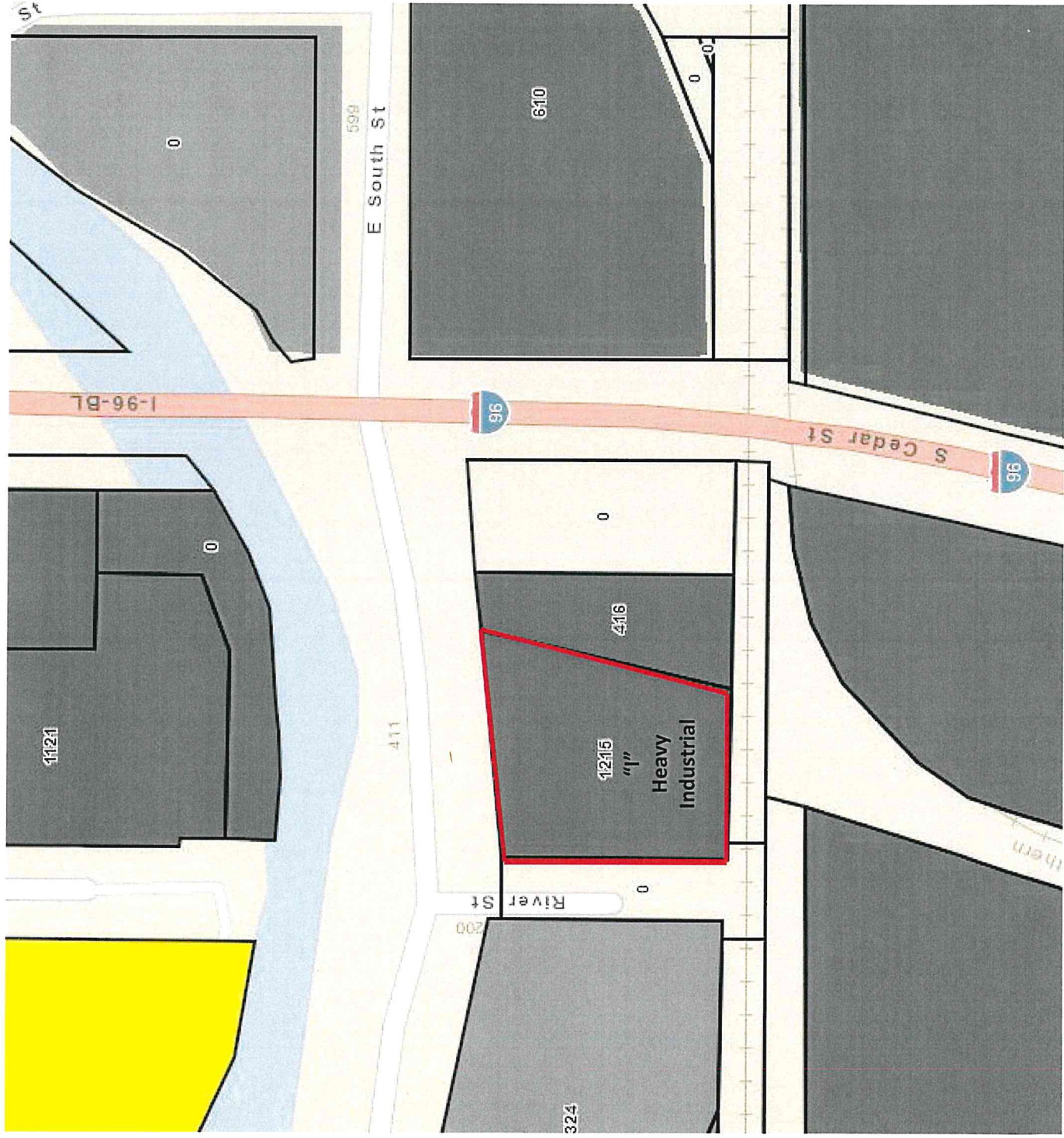
verizon
 CITY OF LANSING, INGHAM COUNTY, MICHIGAN
 ZONING PLAN
 SITE #8025 - "DOWNTOWN LANSING REPL."

APPLICANT/LESSEE:
 CELCO PARTNERSHIP
 880 VERIZON WINDLESS
 24242 NORTHWESTERN HIGHWAY
 SOUTHFIELD, MICHIGAN 48075
 PHONE: (248) 915-3000

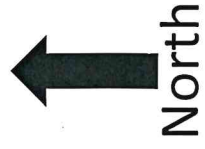


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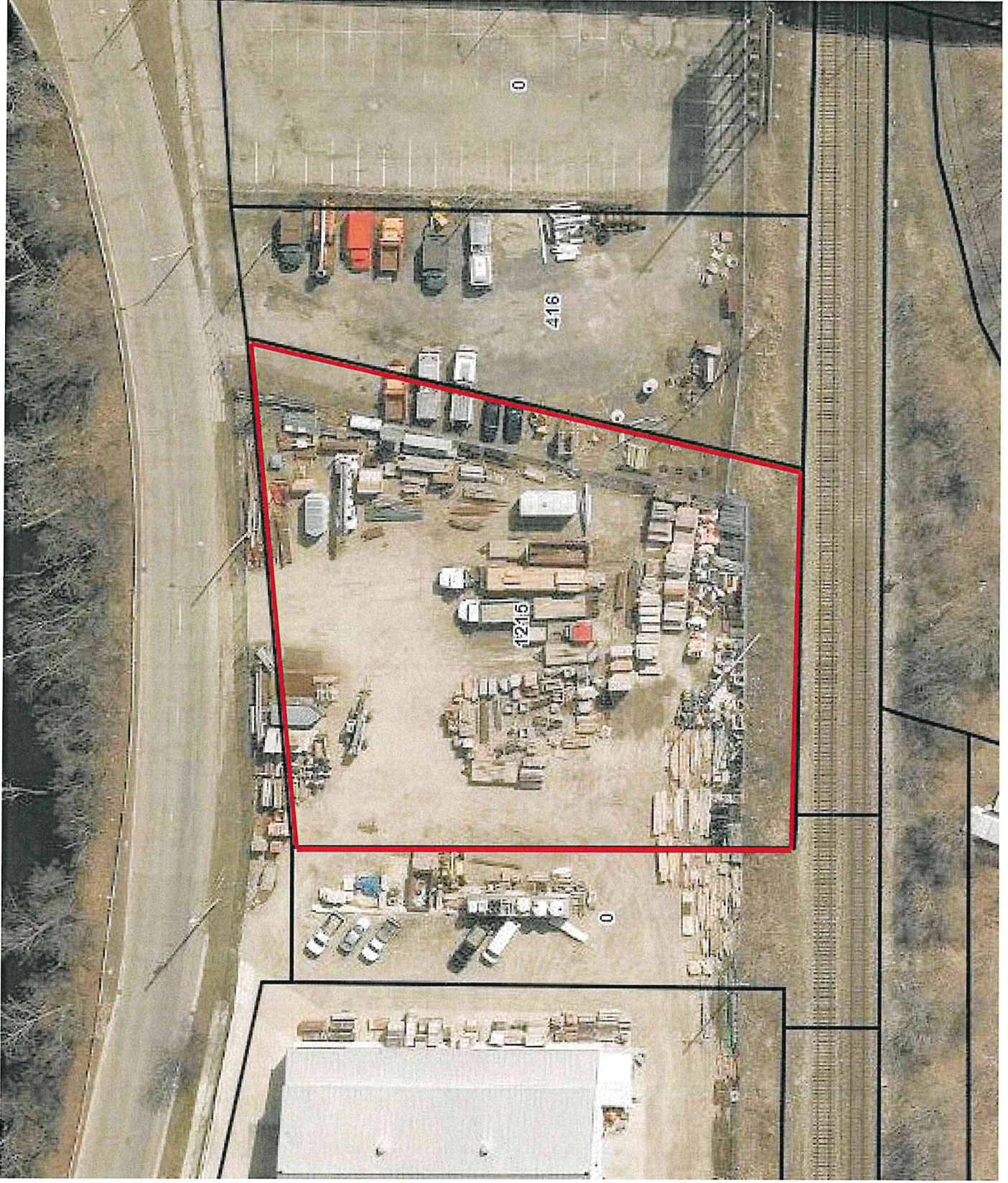




Zoning District	
	A Residential-Single
	B Residential-Single
	C Residential-2 Unit
	NONE
	CUP Community Unit Plan
	D-1 Professional Office
	D-2 Residential/Office
	DM-1 Residential-Multiple
	DM-2 Residential-Multiple
	DM-3 Residential-Multiple
	DM-4 Residential-Multiple
	E-1 Apartment Shop
	E-2 Local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



North





Virg Bernero
Mayor

CITY OF LANSING - PLANNING OFFICE

PETITION

BOARD OF ZONING APPEALS

RECEIVED

NOV 20 2019

PLANNING DIVISION

Reset Form

Print Form

BZA APP 150.00
#236335
#25000
TOTAL 250.00
CHECK 250.00
CHANGE 0.00

FILE NUMBER: BZA-_____

DATE SUBMITTED: _____ ITEM 1

11-21-2019 #1 9CL 7083 16:14TH

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

Street Address (**include zip code**): 1215 River Street, Lansing, MI 48910

Legal Description: PARTS LOTS 3 THRU 6 LYING W'LY OF A LINE COM 149.24 FT SW'LY NE COR BLOCK 210, TH S 12DEG 24MIN 43SCD W 221.21 FT TO S LINE LOT 6 & POE; ALSO E 16.25 FT VAC RIVER ST ADJ LOTS 5&6 BLOCK 210 ORIG PLAT

Applicant Name: Ronald M. Redick, Esq., Mika Meyers PLC, on behalf of SBA Communications Corp.

Address (**include zip code**): 900 Monroe Ave., N.W., Grand Rapids, MI 49503

Phone Number: 616-632-8053

Owner Name: Christman Constructors, Inc. (through Cellco Partnership d/b/a Verizon Wireless, as lessee)

Owner Address (**include zip code**): 324 E. South St., Lansing, MI 48910

Owner Phone: 248-613-4399 (Bob Przybyio, for Verizon Wireless)

Interest in Property (please check one)

☐ Option to buy ☐ Owner ☒ Other (please specify) Owner of two existing tower sites within less than 1,500 feet
☐ Leasee ☐ Represent Owner

Is this property in the flood plain?

Zoning of the property: I Lot dimensions: 170 x 204 ☐ 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): NA # of accessible on-site parking spaces: NA

Hours and days / week of operation: NA

Describe or explain your proposal for this property:

attach a separate sheet if more space is necessary

This is an appeal of the Zoning Administrator's decision to administratively approve a new Verizon Wireless communications tower under Section 1298.06(a)(4), including by granting setback and tower separation distance waivers. As shown by the attached letter and exhibits, the proposed tower does not qualify for setback and separation distance waivers because the tower would not "encourage shared use," but would instead result in an unnecessary duplication of existing tower space on which co-location is already available, and from which equivalent service can already be provided.

Section # with which this proposal is in conflict: 1298.06(a)(4)

If this petition is not granted, explain how your proposal will be affected:

attach a separate sheet if more space is necessary

Please see attached letter and exhibits.

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: Ronald M. Redick

For assistance, please contact:

PLANNING OFFICE
316 N. CAPITOL AVE., SUITE D-1
LANSING, MI 48933-1236
(517) 483-4066
FAX: (517) 483-6036

Mika Meyers ^{PLC}

900 Monroe Ave NW Grand Rapids, MI 49503
Tel (616) 632-8000 Fax (616) 632-8002
Web mikameyers.com

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Nathaniel R. Wolf
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Benjamin A. Zainea
Christopher D. Matthisse
Ronald M. Redick
David S. Lefere

Kimberly M. Large¹
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Curtis L. Underwood

Of Counsel
James R. Brown
John M. DeVries
Michael C. Haines
David R. Fernstrum
James K. White
Fredric N. Goldberg
John H. Gretzinger

Also Admitted in

¹Delaware
²Illinois
³New York
⁴Ohio
⁵Wisconsin

November 18, 2019

Members of the Board of Zoning Appeals
City of Lansing Planning Office
316 N. Capital Ave., Suite D-1
Lansing, MI 48933-1236

Re: Appeal of Administrative Approval of Wireless Communication Tower at
1215 River Street (application of Cellco Partnership d/b/a/ Verizon Wireless)

Dear Members of the Board of Zoning Appeals:

We are attorneys for SBA Communications Corporation d/b/a/ SBA GC Towers, LLC and SBA Towers III LLC ("SBA"), the owner of an existing 106-foot monopole wireless communications tower that is located within the City at 209 Baker Street ("SBA Tower #1"), and an existing 390-foot guyed wireless communication tower that is located within the City at 910 River Street ("SBA Tower #2").

I am writing, on behalf of SBA, to respectfully request that the Board of Zoning Appeals ("BZA") reverse the Zoning Administrator's recent decision to administratively approve the application of Cellco Partnership d/b/a/ Verizon Wireless ("Verizon") to construct and operate a new 120-foot monopole wireless communication tower on the property located at 1215 River Street (the "Verizon Tower"), which would be situated only 1,396 feet from SBA Tower #1, and only 1,481 feet from SBA Tower #2.

As demonstrated below, the Verizon Tower should not have been approved because (a) it does not comply with the minimum property line setback and tower separation distances required by the Zoning Ordinance, and (b) the conditions for granting a waiver from those requirements do not exist.

The Verizon Tower Application

A. Location and Zoning District

A copy of Verizon's application materials for the proposed new Verizon Tower are attached hereto as **Exb. 1**. As noted above, the Verizon Tower is proposed to be constructed on the parcel located at 1215 River Street, which is zoned in the City's I - Heavy Industrial District.

B. Tower Separation Distance

The Verizon Tower would be located approximately 1,396 feet from SBA Tower #1, which is a 106-foot monopole tower situated to the west-southwest.

In addition, the Verizon Tower would be located approximately 1,481 feet from SBA Tower #2, which is a 390-foot guyed tower situated almost due north. In this respect, Exhibit A of the Verizon application erroneously identifies this tower as "Verizon 387' Guyed Tower." This is not a Verizon-owned tower; Verizon merely has an antenna on SBA Tower #2. But SBA Tower #2 is owned by SBA.¹ See **Exb. 3**.

These proposed tower separation distances do not comply with the Zoning Ordinance. Under Section 1298.07(b)(5), Table 1, the proposed Verizon Tower is required to be separated from SBA Tower #1 and SBA Tower #2 by not less than 1,500 feet. But, as stated above, the separation distances are only 1,396 feet and 1,481 feet, respectively.

In its application materials, the only attempted justification that Verizon asserts for seeking a waiver from the 1,500-foot separation distance requirement states as follows:

"Verizon needs the proposed site to improve network capacity in this area and therefore requests that the Zoning Administrator use her power as granted under section 1298.06(4) to reduce the required tower separation distance by 73'."

Verizon has not submitted any evidence or documentation with its application to show that it could not provide comparable service by co-locating on an existing tower, such as SBA Tower #1, or by upgrading its antennas on SBA Tower #2.

¹ Attached at **Exb. 2** are two smaller-scale aerial maps, better depicting just how close SBA Tower #1 and SBA Tower #2 would be to the proposed Verizon Tower.

C. Tower Setback from Property Lines

Version is proposing to install the Verizon Tower so that it would be setback 85' from the east and west property lines, and 102' feet from the north and south property lines. Once again, this does not comply with the applicable setback requirements of the Zoning Ordinance.

Section 1298.07(b)(4)(i) of the Zoning Ordinance requires that a tower be setback a "distance equal to *at least* 75 percent of the height of the tower from any adjoining lot line." [Emphasis added]. The Verizon Tower would be 120 feet tall, and so the 75% rule requires a property line setback of *at least* 90 feet. However, as noted above, Verizon is proposing east and west property line setbacks of only 85 feet.

Verizon's application does not even ask for a waiver from the 90-foot setback requirement, nor attempt to justify such a waiver.

Standards for Approval of Wireless Communication Tower

Section 1298.01, *et seq.* of the City Zoning Ordinance sets forth the standards for new wireless communication towers and the procedures for review and approval of the same. In nearly all circumstances, a new wireless communication tower requires review and approval by the Planning Board and City Council, as a special land use. *See* Zoning Ordinance, §1298.07. However, in certain very narrow circumstances, the Zoning Administrator may administratively approve a new tower.

Specifically, Section 1298.06(b)(1) provides, in relevant part, that the Zoning Administrator may administratively approve "[l]ocating a tower . . . in any heavy industrial zoning district, provided that there is no residential property adjacent to the district."

Further, in connection with administrative review, "the Zoning Administrator may, **in order to encourage shared use**, waive any zoning district setback requirements in section 1298.07(b)(4) or separation distances between towers in section 1298.07(b)(5) by up to 50%." *See* Zoning Ordinance, §1298.06(a)(4) [emphasis added].

As demonstrated above, the proposed Verizon Tower does not comply with the "district setback requirements in section 1298.06(a)(4)," and does not comply with the "separation distances between towers in section 1298.07(b)(5)."

Basis of Zoning Administrator Approval

In reliance on §1298.06(b)(1), the Zoning Administrator administratively approved the Verizon Tower. And in doing so, the Zoning Administrator also granted waivers from the applicable setback and separation distance requirements, under the ostensible authority of §1298.06(a)(4).

In this respect, it can be concluded that the Zoning Administrator had the general authority to *consider* administrative approval under §1298.06(b)(1), because the Verizon Tower would be located on a parcel in the Heavy Industrial Zoning District, in an area where there is no residential property adjacent to that district.

Nonetheless, as demonstrated below, the Zoning Administrator was without the specific authority to grant waivers from the applicable setback and separation distance requirements for the Verizon Tower, because the mandatory requirements of §1298.06(a)(4) are not satisfied.

Grounds for Reversal of Zoning Administrator's Decision

The plain language of §1298.06(a)(4) provides that the Zoning Administrator may grant waivers from the applicable setback and separation distance requirements only where it is demonstrated that doing so would “**encourage shared use.**”

That mandatory condition for the granting of waivers does not exist here because the proposed Verizon Tower would not “encourage shared use,” but would instead result in an unnecessary duplication of existing tower space upon which co-location is already available, and from which comparable service can already be provided. Specifically, comparable service could be provided by co-locating on the SBA Tower #1. Such co-location is what would accomplish the “shared use” contemplated by §1298.06(a)(4).

Further, and notably, Verizon already occupies an antenna position on SBA Tower #2. And so, if Verizon desires to improve coverage, it may do so by replacing and upgrading its existing antennas on SBA Tower #2. This alternative would also be consistent with the “shared use” contemplated by §1298.06(a)(4).

In reaching this conclusion, it is useful to review and consider the overriding purposes of the City’s wireless communication tower regulations. In that regard, §1298.01 expressly states the goals of these regulations are to:

“[M]inimize the total number of towers throughout the community; strongly encourage the appropriate placement of new and existing towers; and strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers.”

The Verizon Tower would fly in face of these goals. As demonstrated by the letter attached hereto as **Exb. 3**, there is co-location space on SBA Tower #1, and SBA would even cooperate with Verizon to extend the height of SBA Tower #1, if needed to accommodate Verizon’s coverage goals. SBA would also cooperate with Verizon to facilitate the replacement and upgrading of Verizon’s existing antennas on SBA Tower #2, to further improve coverage. *Id.* Prior to or at the hearing on SBA’s appeal application, SBA will provide an RF propagation study to the BZA, to

document the coverage that could be accomplished through these existing options, without the need for the Verizon Tower.

These factors render the Verizon Tower nothing but an unnecessary duplication of tower services, in violation of the goals stated in §1298.01. It also runs contrary to the “encourage shared use” standard of §1298.06(a)(4), which is a mandatory prerequisite to the granting of setback and/or separation distance waivers. For this reason, the Zoning Administrator’s decision to grant setback and separation distance waivers should be reversed.

In further reinforcement of this conclusion, it should be pointed out that, in its application materials (**Exb. 1**), Verizon failed to satisfy *its burden* to demonstrate that waivers should be granted. On that point, the Zoning Ordinance makes clear that the burden is on the applicant seeking administrative approval for a new tower to show that existing towers cannot already provide the same service.

Specifically, §1298.06(a)(2) provides that an applicant seeking administrative approval for a new tower shall provide “the information set forth in section 1298.07(b)(3),” which requires the applicant to provide “evidence” showing that that “no existing tower, structure or available technology that does not require the use of towers or structures can accommodate the applicant’s proposed antenna.”

Verizon’s application completely fails in this respect. As shown above, the Verizon application just makes the bald, unsupported allegation that it needs to “improve the network capacity in this area” and that the “SBA monopole tower [] is too short to provide adequate coverage.” No technical information or evidence was submitted with the Verizon application to substantiate this claim. Further, the Verizon application ignores any coverage improvement options that can be provided through the use of SBA Tower #2. Thus, Verizon did not satisfy the minimum evidentiary requirements for constructing *any* new tower in this vicinity, yet alone one that violates the applicable tower separation requirements.

And the same conclusion applies equally to the property line setback waiver the Zoning Administrator erroneously granted. Verizon made no effort whatsoever to show that a setback waiver would somehow “encourage shared use,” as required by the plain language of 1298.06(a)(4). Without such evidence, the Zoning Administrator was without authority to grant a property line setback waiver. Her decision should be reversed.

Conclusion and Request for Relief

For all of the reasons stated herein, we respectfully request that the BZA reverse the Zoning Administrator’s decision to grant separation distance and setback waivers for the proposed Verizon Tower.

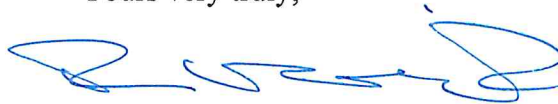
If Verizon wants to pursue this tower project, it must either:

Members of the Board of Zoning Appeals
November 18, 2019
Page 6

- a) modify the location and design of its proposed tower to comply with the applicable setback and separation distance requirements of the Zoning Ordinance²; or,
- b) apply to the BZA for variances from the applicable setback and separation distance requirements.

Thank you for your careful consideration of our appeal. We look forward to further discussing these issues with the BZA at its next regular meeting on December 12, 2019.

Yours very truly,



Ronald M. Redick

Direct Dial/Fax: (616) 632-8053
E-Mail: rredick@mikameyers.com

mll
By e-mail and U.S. mail

² Upon modifying the location of its proposed tower, this may result in administrative approval no longer being available under the terms of §1298.06(b)(1). If so, then Verizon will need to seek a special land use permit under the terms of §1298.07.



SBA Communications Corporation
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Boca Raton, FL 33487-1307

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sbasite.com

November 18, 2019

Members of the Board of Zoning Appeals
City of Lansing Planning Office
316 N. Capital Ave., Suite D-1
Lansing, MI 48933-1236

RE: Application of Cellco Partnership d/b/a Verizon Wireless ("Verizon Wireless") for a new 120' communications tower at 1215 River Street, Lansing, MI

My name is Chuck Hiltz, and I am the Site Marketing Manager for SBA Communications Corporation ("SBA") in Michigan. It is my job to interact with carriers, such as Verizon, when a carrier has an interest in collocating onto a SBA cell tower or upgrading their existing equipment at a SBA cell tower.

SBA currently owns and operates two existing cell towers within 1,500 feet of the tower proposed by Verizon Wireless. SBA has owned and operated a cell tower at 910 River Street, Lansing, MI (the "Existing River Street Tower") for five years. Verizon has been a tenant on the Existing River Street Tower since November 2000 and has remained on the site since SBA's acquisition of the Existing River Street Tower in 2014. Further, SBA also owns and operates a cell tower at 209 Baker Street, Lansing, MI ("the Existing Baker Street Tower"). SBA has owned and operated the Existing Baker Street Tower since 2011 and would greatly appreciate the opportunity to have Verizon as a tenant at this site.

Both of the aforementioned existing SBA towers are located within 1,500 feet of the proposed SBA tower. The Existing River Street Tower is approximately 1,481.57 feet northwest of the proposed tower. Additionally, the Existing Baker Street Tower is approximately 1,396.56 feet southwest of the proposed tower. As previously mentioned, I maintain an open dialogue with Verizon for the Existing River Street Tower and other SBA cell towers throughout Michigan. To date Verizon has not contacted me directly indicating that they require any further equipment at the Existing River Street Tower or have any concerns regarding current lease terms and rent. Nonetheless, upon being made aware of Verizon's proposed new tower I contacted Verizon to see how we might be able to accommodate them at the Existing Baker Street Tower or negotiate modifications to the lease agreement at the Existing River Street Tower.

Having reviewed my corporate records, I can confirm SBA most certainly can accommodate additional equipment for Verizon either of the aforementioned existing SBA towers, including 5G equipment. We look forward to continuing to work with Verizon to provide access to their wireless networks via SBA's telecommunications infrastructure in Lansing, MI.

Sincerely,

Chuck Hiltz
Site Marketing Manager
Michigan and Northern Indiana

Mika Meyers^{PLC}

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Tel (616) 632-8000 Fax (616) 632-8002
Web mikameyers.com

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Of Counsel

James R. Brown
John M. DeVries
Michael C. Haines
David R. Fernstrum
James K. White
Fredric N. Goldberg
John H. Gretzinger

Also Admitted in

¹Delaware
²Illinois
³New York
⁴Ohio
⁵Wisconsin

January 6, 2020

Members of the Board of Zoning Appeals
City of Lansing Planning Office
316 N. Capital Ave., Suite D-1
Lansing, MI 48933-1236

RECEIVED
JAN 08 2020
PLANNING DIVISION

Re: **Supplemental Submittal:** Appeal of Administrative Approval of Wireless Communication Tower at 1215 River Street (application of Cellco Partnership d/b/a/ Verizon Wireless)

Dear Members of the Board of Zoning Appeals:

On November 18, 2019, we filed an appeal, on behalf of SBA Communications d/b/a/ SBA GC Towers, LLC and SBA Towers III LLC ("SBA"), asking the Board of Zoning Appeals ("BZA") to *reverse* the Zoning Administrator's decision to administratively approve the application of Cellco Partnership d/b/a/ Verizon Wireless ("Verizon") to construct and operate a new 120-foot monopole wireless communication tower on the property located at 1215 River Street.

In our November 18, 2019 submittal, we indicated that SBA would be supplementing its appeal with an RF propagation study, to document the comparable coverage that could be provided if Verizon co-located its antenna on SBA's existing tower at 209 Baker Street, rather than constructing a new tower less than 1,500 feet away.

The purpose of this letter is to submit the RF coverage plot analysis prepared by SBA's RF Engineering Consultant, which is attached to this letter as **Exb. 1**.

The principal conclusions of the RF coverage plot analysis are as follows:

- Comparable coverage could be provided from the existing SBA tower, as compared to the proposed new Verizon tower.¹ Specifically:
 - The existing SBA tower provides strong low-band coverage to non-contiguous areas to 1.0 miles from the site, which includes 2.0 miles of Lansing Road and 1.5 miles of South Cedar Street.
 - The proposed new Verizon tower would provide similar strong low-band coverage to non-contiguous areas to 1.0 miles from the site, which would include only 1.5 miles of Lansing Road and 1.5 miles of South Cedar Street.
 - Both the existing SBA tower site and the proposed new Verizon tower site would provide strong high-band coverage to 0.5 miles in all directions.
- For wireless carriers with antennas mounted on existing towers in this same area, it would be considered an “overbuild” or impractical to locate an antenna on the proposed new Verizon tower due to its close proximity and the comparable coverage already provided by existing towers.

In short, the proposed new Verizon tower would *not* “encourage shared use,” as required by Section 1298.06(a)(4) of the Zoning Ordinance, but would instead result in the unnecessary duplication of existing tower space upon which co-location is already available, and from which comparable or better service can already be provided.

For this reason, the Zoning Administrator was without authority to approve the proposed new Verizon tower under Section 1298.06(a)(4). We therefore respectfully request that the BZA *reverse* the Zoning Administrator’s decision to approve the proposed new Verizon tower.

Thank you for your careful consideration of our appeal. We look forward to further discussing these issues with the BZA at its meeting on January 9, 2020.

Yours very truly,



Ronald M. Redick

Direct Dial/Fax:

(616) 632-8053

E-Mail:

redick@mikamevers.com

mll

By e-mail and U.S. mail

¹ Insofar as coverage area is concerned, the existing SBA tower site has a geographical advantage, in that the ground elevation at the SBA tower site is 835 feet above mean sea level, whereas the ground elevation at the proposed new Verizon tower site is only 827 feet above mean sea level. Therefore, an antenna could be installed at a comparable or equal height on each tower.

TO: SBA

Subject: RF Coverage Plot Analysis: Lansing, MI

Date: January 3, 2020

1. **METHODOLOGY.** The attached plots depict broadcast radio frequency (RF) coverage from the existing site to Lansing, MI and a proposed site approximately 0.2645 miles to the northeast. At each location, cellular industry typical LTE operating parameters were considered for omnidirectional antennas mounted at 115 feet above ground level at the existing site, and at 115 feet above ground level for the proposed site. Ground elevations are 835 and 827 feet above mean sea level, respectively. 5G Broadcast RF coverage was not reviewed since it is not operational as of this date.

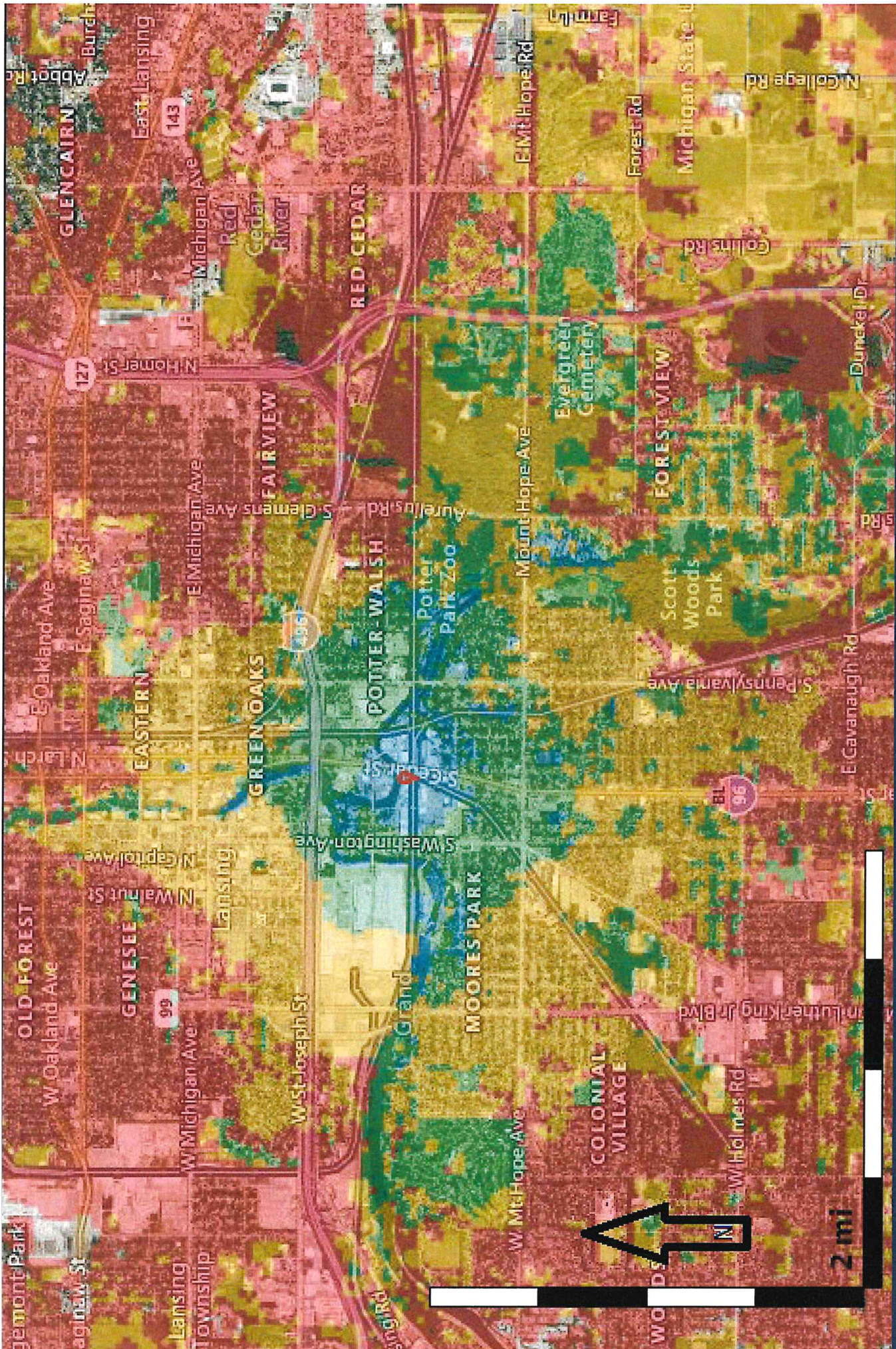
Plots for both locations were generated for 700, 850, 1900 and 2100 MHz operations. The signal levels depicted are associated with LTE service reliability where the strong coverage levels in green and blue occur near the towers and decrease with distance from the sites and intervening terrain obstructions. Signal levels greater than -70 dBm shown as blue are associated with feasible coverage within buildings. Marginal coverage is provided in the regions depicted in yellow between -90 dBm and -80 dBm and signal levels between -100 dBm and -90 dBm shown as red represent poor coverage associated with call failures.

A comparison of coverage performance for each site is based on low band (700 and 850 MHz) and high band (1900 and 2100 MHz) prediction results. Radiowave propagation conditions between these bands differ because of terrain and ground clutter (e.g. vegetation) effects at different frequencies. Generally, low band operations provide greater area coverage. Therefore, high band operations provide additional customer traffic capacity closer to the cellular site.

2. **COMPARISON.** The sites considered in these coverage plots provide service to the depicted locations and roads leading to Lansing, MI. For low band operations, the existing site provides strong coverage to non-contiguous areas to 1.0 miles from the site. This includes approximately 2.0 miles of Lansing Road and 1.5 miles of South Cedar Street. The proposed site provides similar strong non-contiguous coverage 1.0 miles in all directions. This includes 1.5 miles of Lansing Road and 1.5 miles of South Cedar Street.

For high band operations, both sites provide strong coverage to 0.5 miles in all directions.

3. **CONCLUSION.** Based on the coverage comparison presented above, the proposed site provides comparable coverage to Lansing, MI due to its close proximity to the existing site. For wireless operators with antennas mounted on the existing site, the installation of additional antennas on the proposed site would be considered to be an "overbuild" or impractical given the coverage overlap.



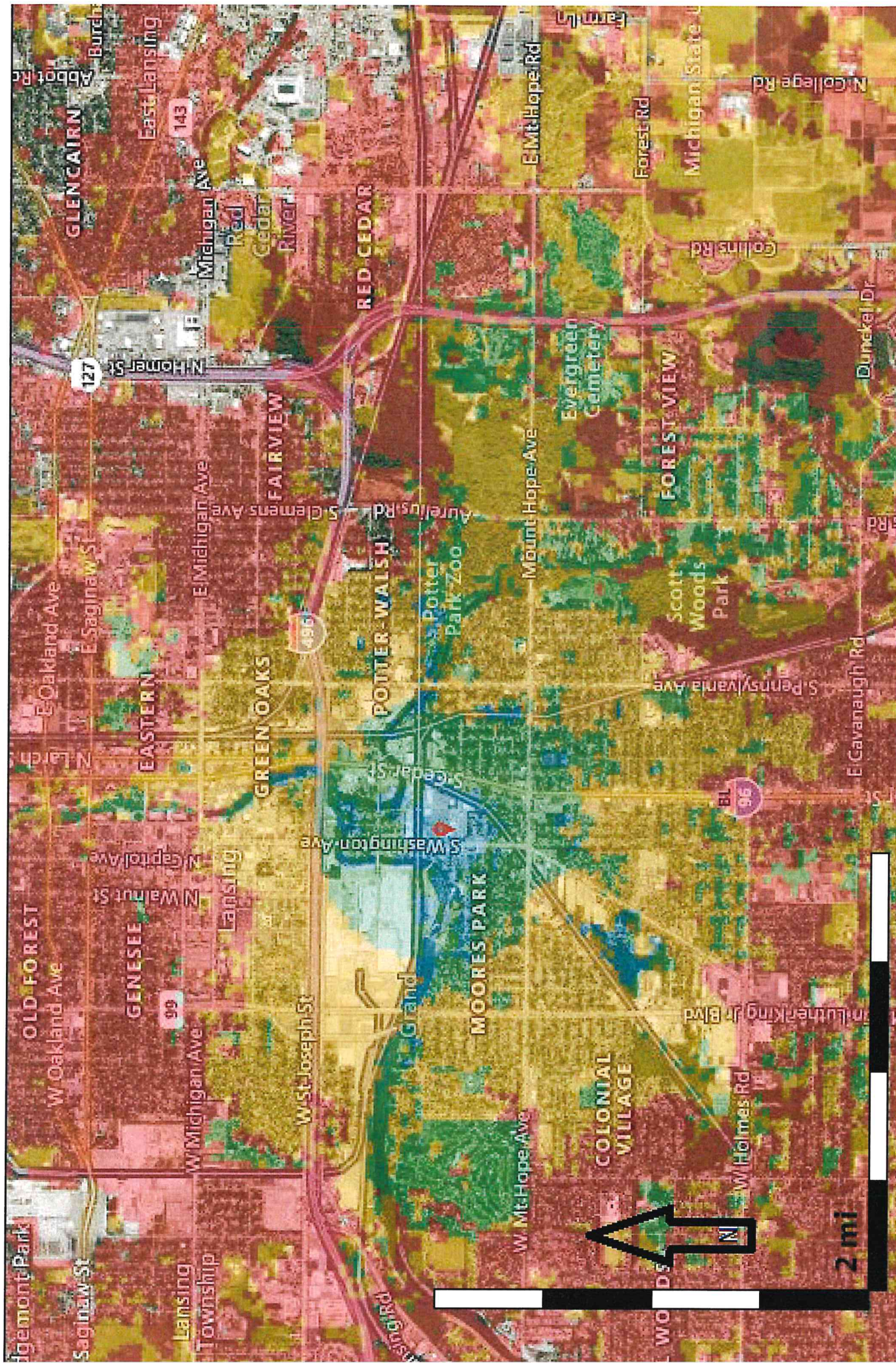
Proposed Site 700 MHz Coverage

Site Name
Latitude:
Longitude:

Proposed
42.719611N
84.54667W

Antenna: 15.15 dBi Omni
Alpha Rad Center (ft): 115
Azimuth (Deg): 0
ERP per RS (W): 2.0



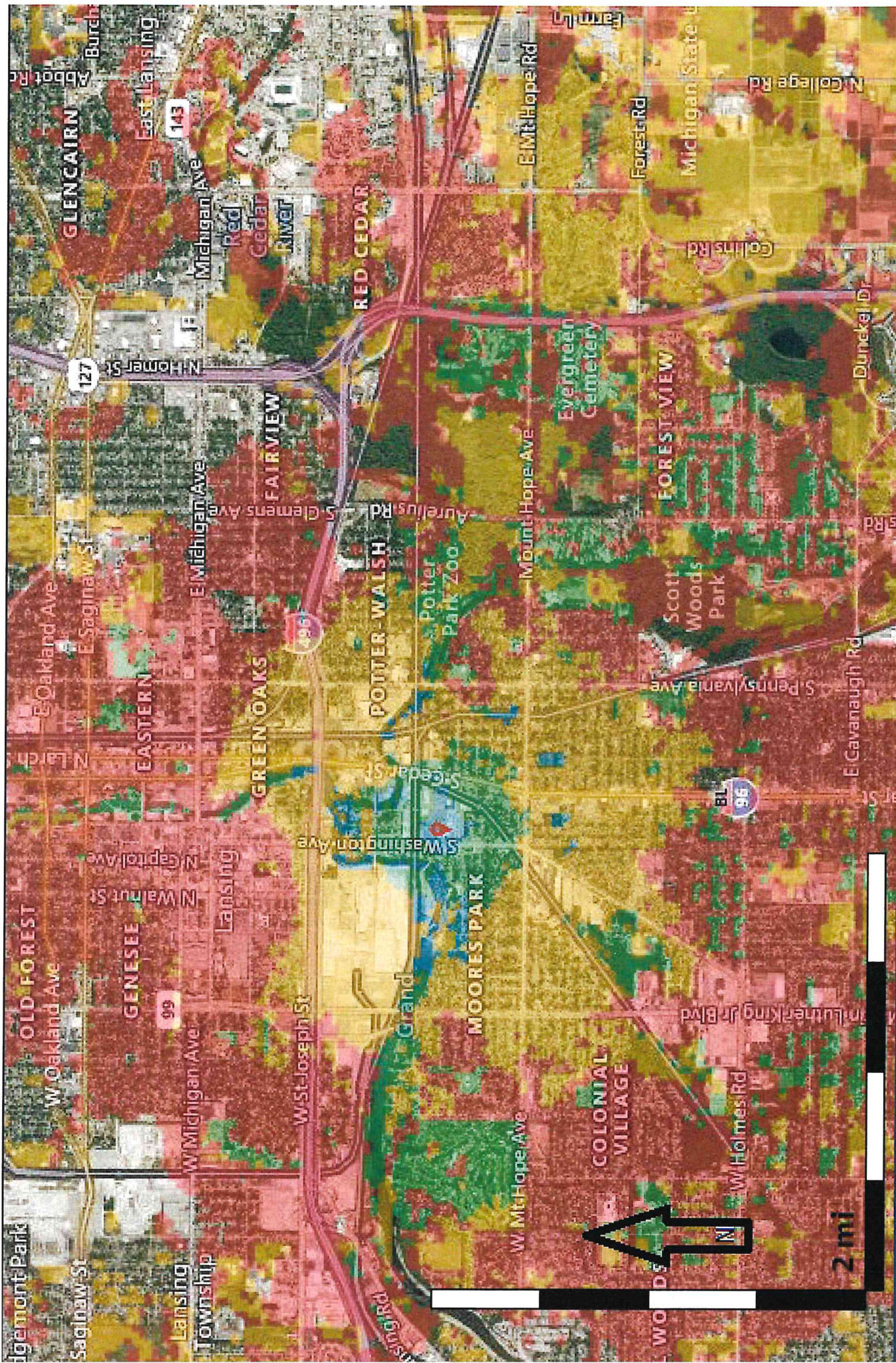


Existing Site
850 MHz Coverage

Site Name
 M12914-A
 Latitude
 42.7176N
 Longitude
 84.5511W

Antenna: 15.15 dBi Omni
 Alpha Rad Center (ft): 115
 Azimuth (Deg): 0
 ERP per RS (W): 2.0



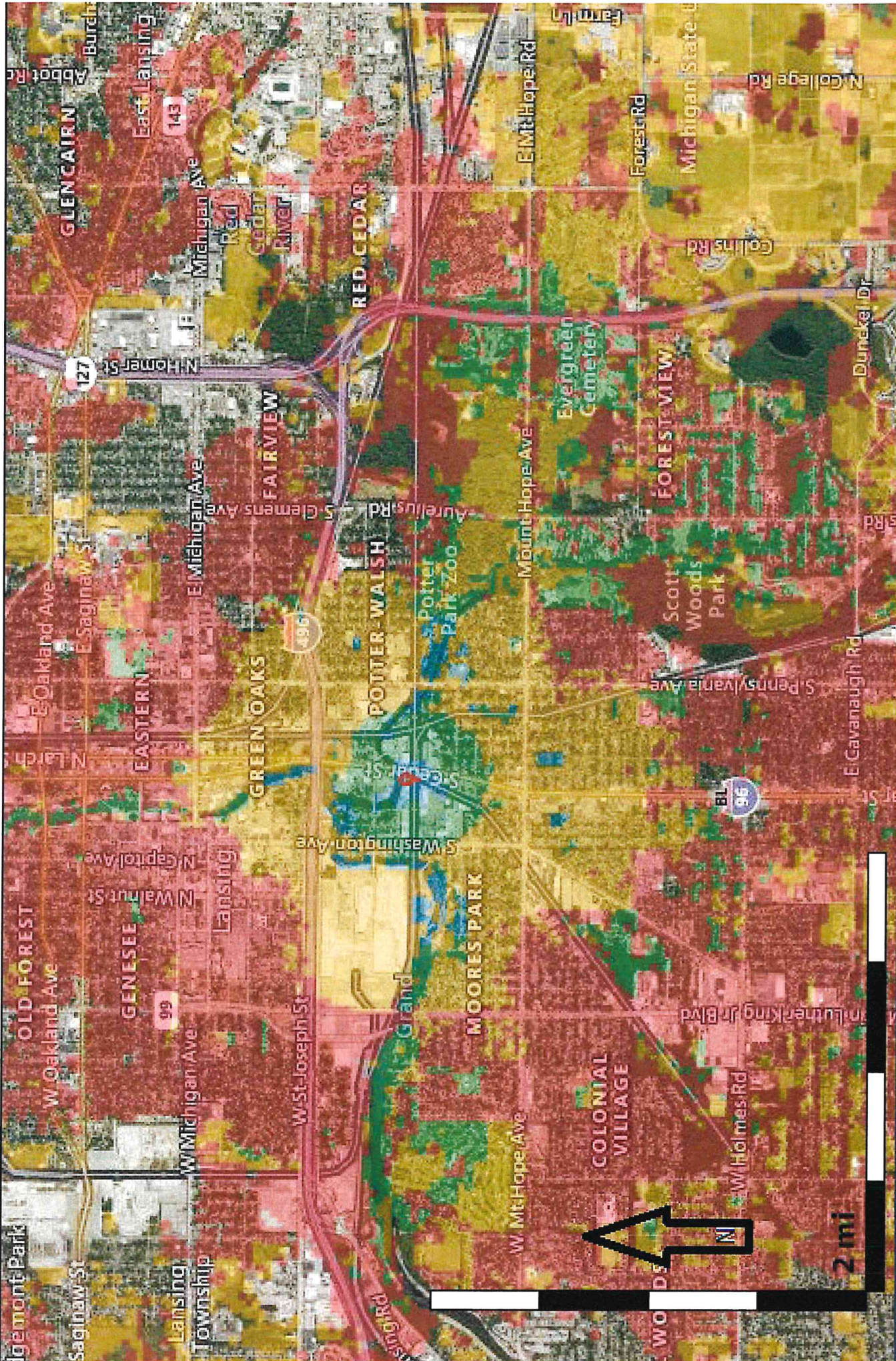


Existing Site
1900 MHz Coverage

Site Name: MI12914-A
 Latitude: 42.7176N
 Longitude: 84.5511W

Antenna: 17.15 dBi Omni
 Alpha Rad Center (ft): 115
 Azimuth (Deg): 0
 ERP per RS (W): 4.7



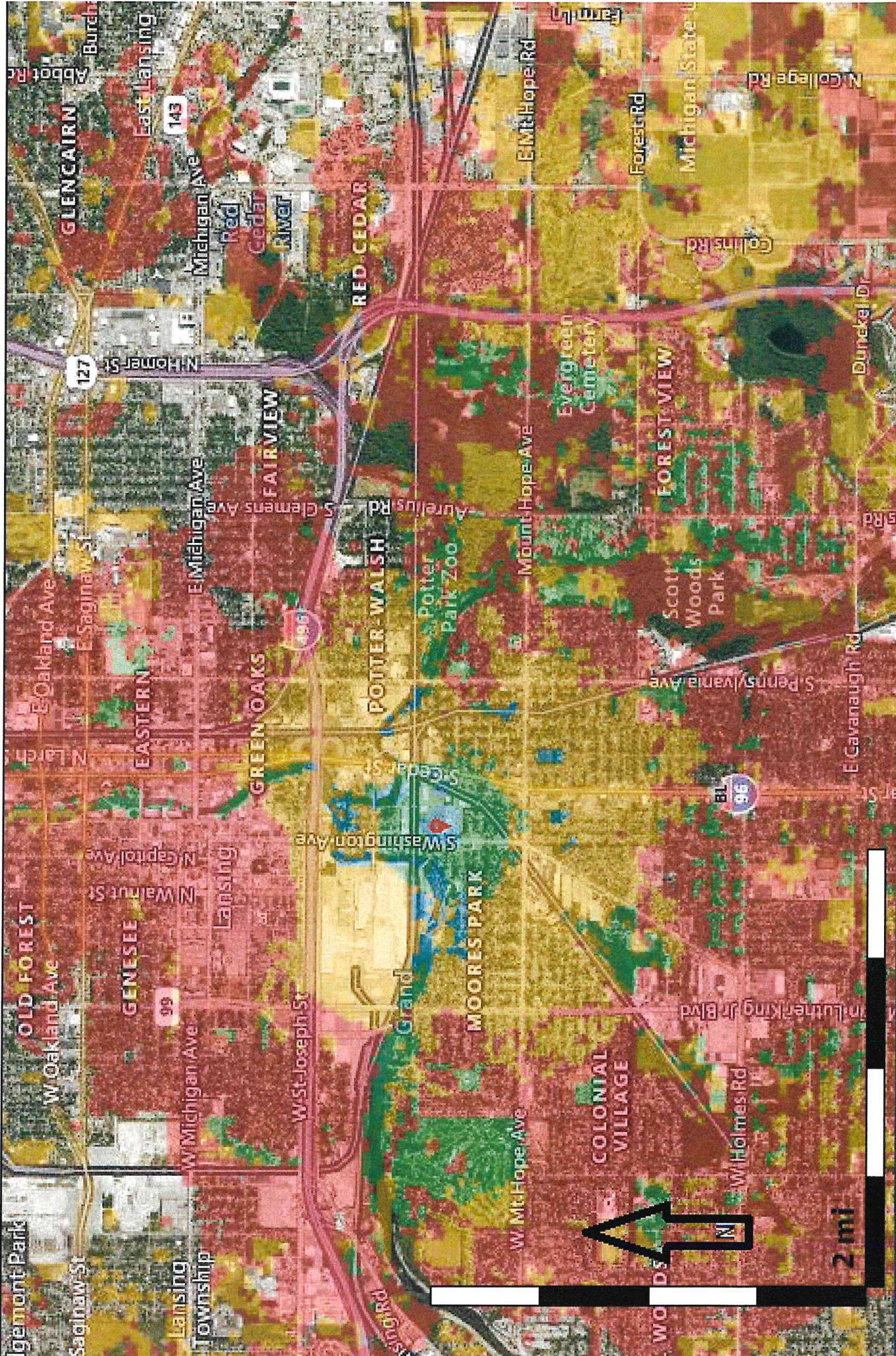


Proposed Site
1900 MHz Coverage

Site Name
Latitude: 42.719611N
Longitude: 84.546667W

Antenna: 17.15 dBi Omni
Alpha Rad Center (ft): 115
Azimuth (Deg): 0
ERP per RS (W): 4.7





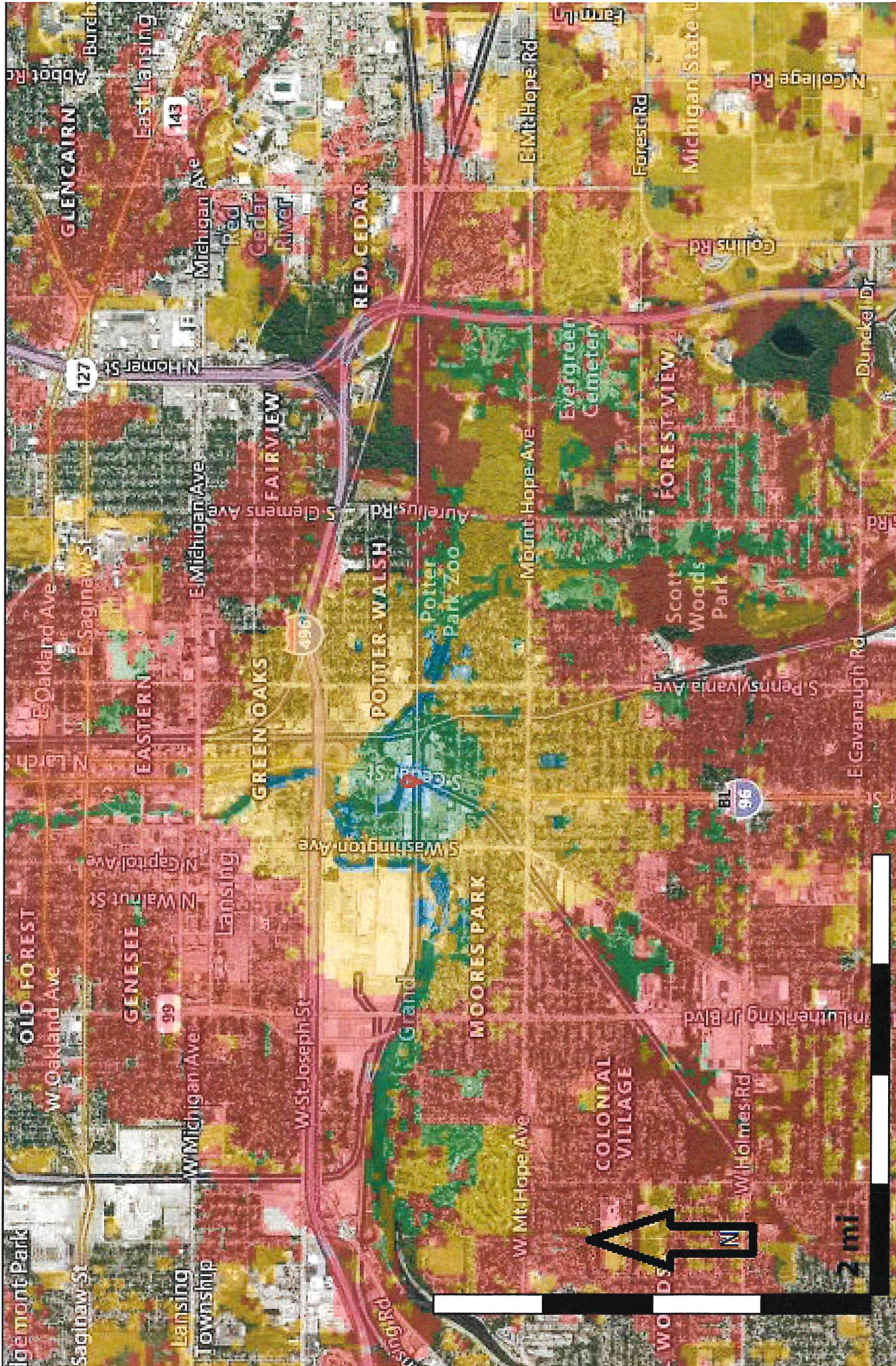
Existing Site

2100 MHz Coverage

Site Name
MI12914-A
Latitude
42.7176N
Longitude
84.5511W

Antenna: 17.15 dBi Omni
Alpha Rad Center (ft): 115
Azimuth (Deg): 0
ERP per RS (W): 4.7





Proposed Site
2100 MHz Coverage

Site Name
 Latitude: 42.719611N
 Longitude: 84.546667W

Antenna: 17.15 dBi Omni
Alpha Rad Center (ft): 115
Azimuth (Deg): 0
ERP per RS (W): 4.7



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PLANNING DIVISION


Since 1973
W|W|R|P
Williams Williams Rattner & Plunkett, P.C.
Attorneys and Counselors
380 North Old Woodward Avenue
Suite 300
Birmingham, Michigan 48009
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Fax: (248) 642-0856

January 15, 2020

Board of Zoning Appeals
City of Lansing Planning Office
316 N. Capital Ave., Suite D-1
Lansing, Michigan 48933

via hand delivery and email

Re: Response by Cellco Partnership d/b/a Verizon Wireless to
Challenge by SBA Communications ("SBA") of Administrative Approval of
Wireless Communications Site on E. South Street (Parcel #01-01-21-284-003)
BZA Case No. _____

Dear Members of the Board of Zoning Appeals:

We are special counsel to Cellco Partnership d/b/a Verizon Wireless ("Verizon") with respect to the referenced matter. We are writing, on behalf of Verizon, this response letter to urge the Board of Zoning Appeals to uphold the City's Wireless Ordinance and the lawful decisions of the City's Zoning Administrator, Susan Stachowiak, against the baseless and self-interested attacks of SBA.

Background. Verizon proposed to construct and operate a 120' monopole tower (the "Verizon Tower"), and associated antennas (to be located at a centerline of 115'), cable, cabinets and equipment, on premises to be leased ("Premises") on the referenced property ("Property"). The Property is zoned Heavy Industrial, where the use of a wireless communications tower can be approved administratively. Pursuant to the authority under the Wireless Ordinance Sects. 1298.06(a)(1), (a)(4) and (b)(1), Ms. Stachowiak administratively approved the use of the Premises for a wireless communications facility and waived the tower separation and setback requirements.

SBA contends that its towers at 209 Baker Street (called "SBA Tower #1" in SBA's appeal) and 1215 River Street (called "SBA Tower #2") are within the tower separation distances and that Verizon should collocate on SBA Tower #1. SBA Tower #1 is approximately 1,411 feet from the proposed Verizon Tower (not 1,396 feet, as in SBA's appeal letter) and SBA Tower #2 is approximately 1,510 feet from the proposed Verizon Tower (not 1,481 feet, as in SBA's appeal letter). SBA Tower #2 is thus outside the 1,500-foot tower separation regulation. Verizon has also already installed antennas on SBA Tower #2, so it obviously cannot address the coverage gap. SBA itself only provided propagation data regarding SBA Tower #1. As a result, this response letter will not address SBA Tower #2.

As demonstrated below, despite SBA's attacks, Ms. Stachowiak acted properly and legally in approving the Verizon Tower and in waiving the separation and setback requirements for this Property in this exceedingly industrial, non-residential area and as to SBA Tower #1 which is illegal and should have been removed by SBA under the Wireless Ordinance.

Standard of Review. The City of Lansing Wireless Ordinance (Sects. 1298.01, *et seq.*) is a detailed and comprehensive treatment of all types of wireless communication sites and towers. It is very clear about when a site or tower is governed by the discretion of the Zoning Administrator and when it is governed by the decision of a governmental body after a public hearing. In this case, the Property being located in a Heavy Industrial Zone, the decisions are within the discretion of the Zoning Administrator. The full text of Sects. 1298.06(a)(1) and (b)(1) state:

1298.06(a)(1): The zoning administrator may administratively approve the uses listed in this section.

1298.06(b)(1): Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any heavy industrial zoning district, provided that there is no residential property adjacent to the district.

The Wireless Ordinance places the decision of a Tower to be located in a Heavy Industrial Zone exclusively in the discretion of the Zoning Administrator. The Zoning Administrator may, of course, exercise that discretion by denying the application. Here, instead, the Tower is in a Heavy Industrial Zone and is not adjacent to any residential property, and Ms. Stachowiak approved the use of the Premises for the Tower and the wireless communications facility.

In addition, the Wireless Ordinance places exclusively the decision as to whether a tower in a Heavy Industrial Zone must meet the setback and tower separation requirements applicable to towers in other zoning districts, granting to the Zoning Administrator the discretion to waive up to 50% of the distance. The full text of Sect. 1298.06(a)(4) states:

1298.06(a)(4): In connection with any such administrative approval, the zoning administrator may, in order to encourage shared use, administratively waive any zoning district setback requirements in section 1298.07(b)(4) or separation distances between towers in section 1298.07(b)(5) by up to 50 percent.

Here, again, Ms. Stachowiak granted waivers of the use of the Premises for the Tower and the wireless communications facility where the differences were slight (less than 6%) and where Verizon provided evidence in the form of propagation maps that the proposed Tower optimizes coverage and service for the area.

Having exercised her legislatively-granted discretion, Ms. Stachowiak's decision is entitled to deference and should not be overturned except in the case of an abuse of discretion. *Sinelli v. Birmingham Board of Zoning Appeals*, 160 Mich. App. 649, 654 (1987). "This Court will not sit in judgment on matters wholly within the reasonable discretion of local zoning boards whose decisions are regarded as final and binding unless caprice, abuse of discretion, or arbitrary action is provable." As this matter would ultimately be decided by a Court, the City's Zoning Board of Appeals applies the same standard. An abuse of discretion is not merely that someone else might have made a different decision, but that the decision made was an abuse of that discretion in that there is no evidence to support the decision.

Bearing in mind that Ms. Stachowiak's decisions stand unless they would be an abuse of discretion, the remainder of this letter discusses the administrative decisions made: (1) approving the Tower within the Premises, and (2) granting waivers as to the setback and tower separation requirements.

Approval of the Tower in a Heavy Industrial Zone. Despite SBA's assertion to the contrary, the Wireless Ordinance does not give Ms. Stachowiak discretion in only "very narrow circumstances"; it gives the Zoning Administrator *broad* discretion for *any* tower in *any* Heavy Industrial Zone. The Ordinance clearly provides that discretion to the Zoning Administrator for the exact reason that the tower will be located in a Heavy industrial Zone. It is not near residential property. The Property is, instead, in the midst of other heavy industrial uses, including a train depot, a concrete plant, a paint company and a trash processing plant. It is precisely the kind of area that the Wireless Ordinance envisioned would be appropriate for towers and would thus need only the Zoning Administrator's approval, in the exercise of her sole discretion. Any decision by the City's Zoning Administrator to allow a tower within a Heavy Industrial Zone, especially where waivers are slight, should be granted deference by the City's Board of Zoning Appeals.

Waiver of the Tower Separation Requirement. It was the correct decision and should be upheld by the BZA for three reasons: (1) SBA Tower #1 is illegal and should have been removed by SBA long ago; (2) Ms. Stachowiak's decision was reasonable to optimize coverage in the area and should not therefore be overturned in the absence of an abuse of discretion; and (3) SBA's argument would render the Zoning Administrator without discretion at all as to waivers.

SBA Tower #1 is Illegal and Should Have Been Removed. Sect. 1298.09 of the Wireless Ordinance provides:

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the City notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90 day period shall be grounds for the city to remove, or cause the removal of, the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. (emphasis added)

SBA Tower #1 has been unoccupied for at least two years. Had SBA actually performed its legal obligation to remove SBA Tower #1, there would be no tower within the tower separation limits. That SBA never informed the City that SBA Tower #1 had become obsolete and the City therefore never gave notice does not negate SBA's legal obligation to remove the tower. The BZA should therefore not even consider SBA Tower #1 as it was illegal and should have been removed.

The Waiver Was Reasonable to Optimize Coverage and Should Not Therefore Be Overturned in the Absence of an Abuse of Discretion. It is a very reasonable result that SBA Tower #1 should be ignored as an illegal tower. The reason that Sect. 1298.09 requires removal of towers after a year of non-use is to remove that tower in favor of a properly placed tower. This substantial period of

non-use (more than 2 *years*) makes it abundantly clear that the tower has not been located properly to solicit wireless carriers. There is a reason that the only carrier to occupy SBA Tower #1 abandoned it years ago. It is because the most optimal location to encourage multiple users is where the Verizon Tower is proposed, not SBA Tower #1. Verizon seeks to optimize service, not just settle for a partial solution. The site chosen carefully creates a service area that fits together with the service areas of other existing Verizon sites. A tower cannot be too close to an existing tower as it will cause destructive interference with one another and cannot be too distant from one another as it will then cause permanent gaps in service. As here, this results in establishing a small “search ring” within which the tower must be placed to avoid interference and permanent gaps, essentially forming a honeycomb with the service areas of existing towers. The Verizon Tower will seamlessly fit with existing coverage cells of existing Verizon sites and very likely other carriers (who tend to have the same coverage and service gaps), providing the best and most optimal service for the area for the full range of communication services, including 5G. Verizon's Radio Frequency Engineer will be at the BZA hearing to discuss this in further detail and answer questions.

SBA Tower #1, for which SBA would have Verizon settle, is outside the search ring and would not address optimally service to the east. The propagation maps already provided to the City shows the significant gap in service. They also show that the proposed Verizon Tower most optimally addresses that gap. Our maps use data collected in the field from *our* towers, using *our* antennas and *our* optimization goals, and experience gleaned from *decades* of modeling performance of our towers and our antennas, data which is not available to SBA or its consultant. Again, our RF Engineer will be available at the hearing to discuss this further. SBA's consultant could at best guess at that data, what antennas we use, what signal strengths are used, what antenna tilts are used, etc., etc. Our propagation maps are the best indicators of the performance of our own towers. Our RF Engineer who analyzed the actual raw, proprietary data available only to Verizon will be present at the hearing.

The fact that SBA Tower #1 has been obsolete for years, losing the only carrier it did have and unable to attract additional carriers, together with the data showing that the Verizon Tower would be the optimal location provides ample justification for Ms. Stachowiak's decision to waive the tower separation requirement and was clearly not an abuse of discretion. Absent an abuse of discretion, the BZA should uphold its City Zoning Administrator's decisions.

Finally, **Adopting SBA's Argument Would Render the Zoning Administrator Discretion Meaningless as to All Waivers.** SBA argues that Ms. Stachowiak cannot waive the tower separation requirement because approving the Verizon Tower would not “encourage shared use”. By SBA's argument, the Zoning Administrator would have no discretion at all; it would make the ordinance meaningless. SBA states that the discretion to waive the setback and separation requirements applies only if it would reduce the number of towers overall. By definition, if the Zoning Administrator uses her discretion to waive the tower separation requirement, of course there *will be* one more new tower. By SBA's self-serving interpretation, the Zoning Administrator would thus NEVER have the discretion to waive the setbacks. The far more reasonable interpretation is that the Zoning Administrator may exercise her discretion where “encourage shared use” at the more optimal location, the one which would re-

duce the number of towers for the service gap in question. Here, the proposed tower is almost exactly halfway between the two existing SBA Towers and fills the gap more optimally. It is ideally suited for Verizon and other carriers to collocate and thus reduces to one the number of towers needed to address this particular coverage gap. In addition, the waivers granted were very minor. The waiver to SBA Tower #1 is less than 6% and the waiver to SBA Tower #2 is either not required at all or was less than 1.2%. When the Zoning Administrator has discretion up to 50%, it is certainly reasonable and not an abuse of discretion for Ms. Stachowiak to grant 1 to 6% waivers to place a tower in a heavy industrial zone very close to dead center between existing towers.

Besides, SBA Tower #1 should have been removed more than a year ago anyway. By allowing the Verizon Tower in the more optimal location, collocation will occur there, where it always should have been. SBA should remove SBA Tower #1 and then there will not be an additional tower.

Waiver of the Tower Setback Requirement. Ms. Stachowiak's decision to waive the setback requirement was also reasonable and also not an abuse of discretion. To begin with, the actual tower height is 118' (the last two feet not being tower, but a lightning rod), the setback for which would be 88.5', a difference of a mere 3.5 feet. Also, therefore, the setback waiver would be 4% or, even with SBA's inaccurate measure, less than 6%. The Zoning Administrator has discretion up to 50%. As stated by the tower installer, the tower is manufactured to bend over itself at 60'. In addition, no Verizon monopole has ever fallen, despite tornados, hurricanes, floods, etc. It is thus again reasonable and not an abuse of discretion for Ms. Stachowiak to grant the setback waiver to place the tower in the middle of a property zoned heavy industrial. Finally, the Landowner owns the property to the west as well and would agree to add to this Property 5' from the western parcel or we could simply reduce the height of the Verizon Tower slightly to meet the setback requirements.

SBA made a bad business decision with their tower, both in location and height and in failing to remove its illegal tower. by attacking the lawfully exercised discretion of the Zoning Administrator, SBA now seeks to rectify its errors by forcing Verizon and other carriers onto their misplaced tower which would not optimize the full range of communication services for Lansing's citizens and visitors. We urge the City's BZA to support its Zoning Administrator and uphold the exercise of her discretion.

Respectfully Submitted,
WILLIAMS WILLIAMS RATTNER & PLUNKETT, P.C.



Robert A. LaBelle



CITY OF LANSING, MICHIGAN
SITE PLAN REVIEW APPLICATION

Reset Form

Print Form

Owner / Developer:

Contact person: BOB PRZYBYLO OBO VERIZON WIRELESS
Company: CELLO PARTNERSHIP DBA VERIZON WIRELESS
Address (including zip code): 2422 NORTHWESTERN HWY SOUTHFIELD, MI 48075
Phone: 248-613-4399
Email: BOBPRZYBYLO@RJPCONSULT.COM

Architect / Engineer / Surveyor:

Contact person: SCOTT FISHER
Company: MIDWESTERN CONSULTING
Address (including zip code): 3815 PLAZA DRIVE ANN ARBOR, MI 48108
Phone: 734-995-0200
Email: SGF@MIDWESTCONSULTING.COM

Parcel number: 01-01-21-284-003 Lot area: _____ Acres
Location of Development: SOUTH STREET, LANSING, MI 48910
Cross streets: CEDAR and SOUTH
Type of improvement: INSTALLATION OF AN UNMANNED WIRELESS COMMUNICATION FACILITY.

Fees: _____

Submit 9 printed sets and 1 electronic set of plans showing the following information (please check):

GENERAL

- | | | |
|--|--|---|
| ☒ Dimensions | ☒ Location map | ☒ Legal description |
| ☒ Engineering Scale (1" = 20' preferred, 1" = 50' max) | ☒ North arrow | |

EXISTING SITE CONDITIONS

- | | | | |
|---|---|---|---|
| ☒ Driveways | ☒ Roadways with limits of ROW | ☒ Lighting | ☒ Structures (include height) |
| ☒ Easements | ☒ Sidewalks | ☒ Parking lots | ☒ Topography, 2' contours |
| ☒ Fixed objects in right-of-way | ☒ Signs | ☒ Utility mains | ☐ Landscaping & street trees |
| ☒ Flood plains | ☐ Water features | | |

PROPOSED SITE CONDITIONS

- | | | | |
|---|--|--|---|
| ☐ Detention ponds | ☐ Lighting | ☐ Runoff calculations | ☒ Structures (include height) |
| ☐ Drive approaches | ☐ Limits of construction | ☐ Sidewalks | ☒ Topography, 2' contours |
| ☐ Driveways | ☐ Parking lots | ☐ Signs | ☐ Utility connections |
| ☒ Easements | ☒ Property & layout dimensions | ☐ Staging area | ☐ Utility extensions |
| ☐ Landscaping & street trees | | | |

The developer shall complete this application and check whether the item is provided.

The owner/developer and architect/engineer/surveyor information shall be shown on each sheet of the plans with the location of the development.

RJP CONSULTING

September 6, 2019

Susan Stachowiak
Zoning Administrator
Department of Economic Development & Planning-Planning Office
City of Lansing
316 N. Capitol Ave., Suite D-1
Lansing, MI 48933

**RE: Cellco Partnership DBA Verizon Wireless Site Plan Review Application at South Street,
Parcel # 01-01-21-284-003**

Dear Ms. Stachowiak:

Please accept this letter containing the information required under Chapter 1298.06 (Wireless Communications Towers and Antennas) in the zoning ordinance as a part of our site plan review application.

(a) (2) 1298.07(b)(1): (i), (ii), (iii): Please see attached site plan for these items.

(iv): Please see Exhibit A. The map shows all the adjacent/nearby towers with the separation distance from our proposed tower.

(v): We are requesting the landscape requirement be waived because this is a heavy industrial area.

(vi): The facility will be fenced in by a 6' high chain link fence with three strands of barbed wire at the top.

(vii): 1298.04(c): Please see Exhibit B for an inventory of existing sites.

1298.04(d): The proposed monopole tower will have a galvanized grey finish. The equipment cabinets will be a grey color.

1298.04(e): There will be no lighting on the proposed tower.

1298.04(f): The proposed tower will meet or exceed all FAA, FCC, federal and state standards and regulations.

1298.04(g): Verizon Wireless will comply with this requirement.

1298.04(k): There will be no signs on the antennas or tower.

1298.04(l): The proposed equipment cabinets shall comply with this requirement.

1298.07(b)(4): The proposed tower is setback 85' from the east and west property lines, 102' from the north property line and 102' from south property line. The tower is designed to collapse upon itself but no worse than within 60' from the base. Please see the Fall Zone Letter in Exhibit C.

1298.07(b)(5): The proposed tower meets the Off-Site Use/Designated Area setbacks. The proposed tower to 1,423' from the SBA 100' monopole tower and 1,488' from the Verizon 387' Guyed Tower. Verizon needs the proposed site to improve the network capacity in this area and therefore requests the Zoning Administrator use her power as granted under section 1298.06(4) to reduce the required tower separation distance by 73'.

(viii): Please see Exhibit D.

(ix): Please see Exhibit E.

(x): There are no existing towers in the area that Verizon is not already using that will meet the needs of the network improvement criteria. We vetted the SBA 100' monopole tower but it is too short to provide adequate coverage and replacing the tower would be more cost prohibitive then building a new one. The proposed tower is designed at the lowest height necessary to meet the coverage objectives and still allow for two additional collocators.

(xi): Verizon's radio frequency engineers are constantly analyzing the network and its performance. From time to time, new sites will be required to improve the network's performance. Verizon will be diligent to propose the minimum number of new sites necessary and in locations that minimize their impact to the community. There are no new sites currently in the planning phase.

1298.07(b)(3): There are no existing towers in the area that Verizon is not already using that will meet the needs of the network improvement criteria. We vetted the SBA 100' monopole tower but it is too short to provide adequate coverage and replacing the tower would be more cost prohibitive then building a new one. The proposed tower is designed at the lowest height necessary to meet the coverage objectives and still allow for two additional collocators.

(a) (4): The proposed tower complies with all setback requirements.

GENERAL IMPACT

Earth, Air, Water, Plant Life, Animal Life

The proposed project includes minimal grading. Access to the site is by an existing driveway and parking lot. There will be no air emissions from the equipment. No animal life will be disrupted because of this project

Noise

The proposed facility will be operated within the city noise standards.

Light and Glare

Additional lighting is not proposed with the development of this facility.

Land Use

The proposed unmanned wireless telecommunications facility will include antennas and associated equipment. The use is consistent with the underlying zoning and general plan.

Natural Resources

The proposed facility uses little power and is not expected to significantly increase consumption of or demand for natural resources.

Risk of Upset

The proposed equipment incorporates adequate safety measures and precautions. Each facility is electronically monitored 24 hours a day for intrusion and environmental disruption. The facility will also contain a small sign identifying the site as a Verizon Wireless facility and a 1-800 number to call in case of an emergency (staffed 24 hours a day by Verizon employees). Verizon Wireless will comply with all FCC regulations regarding signage at the facility.

To provide back-up power, the project does include a natural gas-powered generator and batteries. The generator will be located on a concrete pad. The generator is monitored 24 hours a day via an alarm system. The batteries are located inside an equipment cabinet.

Population and Housing

The proposed unmanned wireless telecommunication facility will not affect population or housing trends in the area.

Transportation and Circulation

The proposed facility will have minimal impact on traffic and circulation. Peak travel to the proposed project will be limited to the initial construction of the facility, which should take approximately six to eight weeks. After construction is complete, the facility will be visited twice a month for routine maintenance.

Public Services, Energy and Utilities

The small, unmanned facility will not generate demand for additional public services and will not increase demand upon existing energy sources. The equipment will connect to and use utility systems (electrical and fiber optic lines) that are already present on the subject parcel. The proposed facility will not require the use of services such as water or sewer. Electrical power and fiber optic services are the only necessary utilities.

Human Health

The proposed facility falls significantly below all state and federal regulations for emissions of non-ionizing radiation. All antenna facilities (including radio and television broadcasting, microwave and cellular communications, ham radios and police radar) emit a small amount of non- ionizing radio frequency radiation.

Aesthetics

The new tower will be a monopole and galvanized grey in color. The equipment cabinets and generator will be located adjacent to the tower. No landscaping is proposed as this is an active storage and parking area for the business operating on site. In addition, this is a heavy industrial area where screening from adjoining parcels is not necessary.

Recreation

The proposed unmanned wireless telecommunication facility will have no impact on existing recreational facilities.

Archaeological and Historical Resources

The proposed facility will not have any impact on the archaeological and historic resources of the area.

Site Maintenance

A Verizon Wireless technician, for routine inspection and equipment maintenance, will visit the site twice per month. In addition, the equipment cabinets, radio equipment and tower are monitored via an alarm system. Should an alarm be activated, the site will be visited.

CONCLUSION

The establishment of this telecommunications facility will not be detrimental to the public health, safety or welfare of persons residing or working in the area, or be materially injurious to the neighborhood, or the general welfare of Lansing. The proposed facility will not place any burden on traffic, nor will it result in objectionable levels of noise, odor, dust, or dirt.

The proposed facility will be a link to important communication infrastructure. Individuals and businesses will be able to access wireless communications to stay in business, to expand their business, to provide personal convenience, or to strengthen personal safety and the ability to communicate on demand with business, government, family and friends.

In addition, the energy emitted is well below or within the parameters established by the FCC. The proposed Verizon Wireless facility will not interfere with any police, fire or emergency communications, or nearby televisions or radios due to the separation in the frequency ranges by Verizon Wireless and from those used by other communication devices. The FCC controls and regulates the operation of all the telecommunication equipment and devices to be used at this proposed facility. The proposed facility will conform to all FCC standards and regulations.

You can call me at (248) 613-4399 if you have any questions. Thank you in advance for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Przybylo'.

Bob Przybylo
RJP Consulting, Inc. o/b/o Verizon Wireless

0402	196 & I496	2202 Ena Drive	Lansing	EATON	MI	48917
0407	I-96 & M-99	6140 Pleasant Grove	Lansing	INGHAM	MI	48911-5413
0408	North Lansing	15620 S. US 27, Suite VZW	Lansing	CLINTON	MI	48906
0409	Downtown Lansing	910 River Street	Lansing	INGHAM	MI	48912-1028
0415	I-496 East	3601 Dunckel Road	Lansing	INGHAM	MI	48911
0425	West Lansing	3320 West Main Street	Lansing	INGHAM	MI	48917-4383
0426	West Lansing II	904 Knights Inn Drive	Lansing	EATON	MI	48917
0461	Lansing Mall	901 East Mall Drive	Lansing	EATON	MI	48917
0470	Lansing POP	221 N. Washington #600A	Lansing	INGHAM	MI	48933-1301
0480	Lansing South	636 East Sheridan / East Oakland	Lansing	INGHAM	MI	40906
0481	Holt	820 Conrad	Lansing	INGHAM	MI	48911-5277
0483	Northwest Lansing	14787 North Lowell Road	Lansing	CLINTON	MI	48906
0486	Lansing	2430 South Pennsylvania Avenue	Lansing	INGHAM	MI	48910-3344
0488	Capital Airport	925 Stanley	Lansing	INGHAM	MI	48917
0489	US-127 & BUS I-69	2820 East Saginaw	Lansing	INGHAM	MI	48912-4240
0493	East US-127	2127 Lake Lansing Road	Lansing	INGHAM	MI	48912-3611
2221	CAPITOL CITY AIRPOR	15811 Airport Road, Ste VZW	LANSING	CLINTON	MI	48906
2257	Jolly & Washington	205 West Jolly Road	Lansing	INGHAM	MI	48910
5416	I69 & Willow	7534 Old River Trail	Lansing	EATON	MI	48917
5417	Capitol Square	124 W. Allegan Street	Lansing	INGHAM	MI	48933
5417R	Capitol Square Replacement	201 Townsend Street	Lansing	INGHAM	MI	48933
5418	Mt. Hope Rd	3305 Pleasant Grove Road	Lansing	INGHAM	MI	48901
5419	East Lansing III	3205 Forest Road	Lansing	INGHAM	MI	48901
5446	North Wavely Road		LANSING	EATON	MI	48906

September 5, 2019

Mr. John Beasley
Verizon Wireless

RE: Proposed 120' Sabre Monopole for Downtown Lansing REPL, MI

Dear Mr. Beasley,

Upon receipt of order, we propose to design and supply the above referenced Sabre monopole for a Basic Wind Speed of 107 mph with no ice and 40 mph + 1.5" ice, Structure Class II, Exposure Category C and Topographic Category 1 in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-G, "Structural Standard for Antenna Supporting Structures and Antennas".

When designed according to this standard, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of 25%. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within the monopole shaft, above the base plate. Assuming that the wind pressure profile is similar to that used to design the monopole, the monopole will buckle at the location of the highest combined stress ratio within the monopole shaft. This is likely to result in the portion of the monopole above leaning over and remaining in a permanently deformed condition. Please note that this letter only applies to the above referenced monopole designed and manufactured by Sabre Towers & Poles. The fall radius for the monopole design described above is less than 50% of the tower height.

Sincerely,

Robert E. Beacom, P.E., S.E.
Engineering Supervisor





August 26, 2019

Susan Stachowiak
Zoning Administrator
Department of Economic Development & Planning-Planning Office
City of Lansing
316 N. Capitol Ave., Suite D-1
Lansing, MI 48933

RE: Verizon Wireless Special Use Permit Application

To Whom It May Concern:

Please accept this letter as notification that the proposed tower will be designed to accommodate two additional carriers with an equal loading of that proposed by Verizon Wireless.

The contact person for this site is Barbara Evans, 248-915-3577,
Barbara.Evans@verizonwireless.com, 24242 Northwestern Hwy, Southfield, MI 48075.

Verizon Wireless has prepared the following maintenance plan for the proposed wireless communication facility.

- Weed control – apply anti-emergent weed control in May, treat weeds as required through growing season
- Snow removal - local service provider to be on call when needed
- Debris removal – local service provider to be on call when needed

Please call me at (248) 915-3577 if you have any questions.

Sincerely,

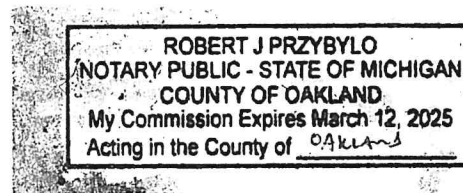
A handwritten signature in black ink, appearing to read "Barbara Evans".

Barbara Evans
Engineer IV RE/Regulatory

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

On this 26 day of AUGUST, 2019 before me personally appeared ^{BARBARA EVANS}~~Doug~~
~~Weber, Real Estate Manager~~ for Verizon Wireless to me known to be the person described above and
who executed the foregoing instrument, and acknowledged that it was executed as said person's free
act and deed.

Notary Public: ROBERT J. PRZYBYLO
Print Name: [Signature]
3/12/25 County, OAKLAND
My Commission Expires:





March 29, 2019

Via electronic mail to: bobprzybylo@rjpconsult.com

Mr. Bob Przybylo
G2 Consulting Group, LLC
(248) 613-4399

**RE: Agent Authorization Letter
208 N Capitol Ave, Lansing, MI 48933
G2 Project No. 170416**

To whom it may concern:

This letter serves as authorization for Verizon Wireless, its employees and agents to file applications, pursue zoning and permitting approvals and file for floodplain and associated Michigan Department of Environmental Quality (MDEQ) permits related to construction of a wireless telecommunication tower at 1215 River Street, Lansing, Ingham County, Michigan. This applies to any permitting required by the City or County.

Sincerely,
The Christman Company

Anthony A. Pecchio
Vice President

Phone 517-482-1488 Fax 517-482-3520 www.christmanco.com

Tower Separation Map

Legend



Tower Separation Map #2

Legend



900 ft

Google Earth

© 2018 Google

Attorneys at Law

Richard M. Wilson, Jr.
Douglas A. Donnell⁴
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February 5, 2020

Members of the Board of Zoning Appeals
City of Lansing Planning Office
316 N. Capital Ave., Suite D-1
Lansing, MI 48933-1236

Re: **Rebuttal to Verizon:** Appeal of Administrative Approval of Wireless
Communication Tower at 1215 River Street (application of Cellco Partnership
d/b/a/ Verizon Wireless)

Dear Members of the Board of Zoning Appeals:

As you are aware, we are appealing, on behalf of SBA Communications d/b/a/ SBA GC Towers, LLC and SBA Towers III LLC ("SBA"), the Zoning Administrator's decision to administratively approve the application of Cellco Partnership d/b/a/ Verizon Wireless ("Verizon") to construct and operate a new 120-foot monopole wireless communication tower on the property located at 1215 River Street.

On January 15, 2020, Verizon submitted a letter to the Board of Appeals ("BZA"), through its attorneys, Williams Williams Rattner & Plunkett, P.C., opposing SBA's appeal.¹ The purpose of this letter is to correct certain statements in Verizon's January 15, 2020 submittal that are either factually or legally incorrect.

1. **Lawful Status of SBA Tower #1.** Verizon claims that SBA Tower #1, located at 209 Baker Street, is illegal under the terms of the Zoning Ordinance, for reason of having allegedly been unoccupied for at least two years. That statement is incorrect.

¹ The Zoning Administrator did not provide us with a copy of the letter, however, until January 29, 2020.

Sprint Communication has an active antenna lease on SBA Tower #1, and presently has an antenna located thereon. The antenna installation was completed in October 2019. As evidence of this, I enclose a November 3, 2019 photograph of SBA Tower #1, showing the Sprint antenna mounted thereon. SBA Tower #1 is therefore undisputedly legal. The Zoning Administrator and the BZA are thus required to consider its presence for the purpose of deciding SBA's appeal.

2. **Septation Distance for SBA Tower #2.** In their January 15, 2020 letter, Verizon's lawyers claim that SBA Tower #2 is located 1,510 feet from Verizon's proposed new tower location, and so is outside of the 1,500-foot tower separation standards, and therefore does not need to be considered. That information is factually incorrect.

When Verizon submitted its original tower application to the City, it included a September 6, 2019 letter from its own engineering expert at RJP Consulting, which expressly acknowledged that SBA Tower #2 is located only 1,488 feet from Verizon's proposed new tower location, and that the new tower would therefore require a waiver from the Zoning Administrator under §1298.06(4) of the Zoning Ordinance.²

SBA's measurement is substantially the same, indicating that there would be a 1,481-foot separation distance between the two towers. Either way, the separation distance is less than 1,500 feet. The consequence of this is that Verizon's new tower would violate the minimum tower separation distance of the Zoning Ordinance in two respects, and thus require two waivers.

3. **Standard of Review.** In their January 15, 2020 letter, Verizon's lawyers argue that the BZA should review the Zoning Administrator's decision only for "abuse of discretion" because that is allegedly the same standard of review that would be applied if a circuit court reviewed the BZA's decision in this same matter. That argument is legally incorrect in two important respects.

First, the Michigan Court of Appeals pointedly rejected Verizon's argument in *Hughes v Almena Twp*, 284 Mich App 50; 771 NW2d 453 (2009). In *Hughes*, the Court held that, when a BZA reviews an administrative zoning decision, the BZA has all of the powers of the official from which the appeal is taken, and that its review is therefore *de novo*. In other words, the BZA is not to afford any discretion to the Zoning Administrator's decision. The BZA is to reach its own, independent decision on the appeal, as though it is hearing these issues for the first time.

Second, even if the BZA was permitted to apply the same standard of review that a circuit court would apply to a BZA decision (which it is not), the review would *not* be limited to "abuse of discretion." By statutory mandate, a circuit court reviews a BZA decision to determine whether the decision (a) complies with the constitution and laws of the state, (b) is based upon proper procedure, (c) is supported by competent, material, and substantial evidence on the record,

² See Sept. 6, 2019 letter from RJP Consulting at p. 2.

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and (d) represents the reasonable exercise of discretion granted by law to the zoning board of appeals. MCL 125.3606(1). Verizon's attempt to invoke a lesser standard of review seems to be a tacit recognition about the lack of merit in its counter-arguments.

Whatever its motives might be, it is unfortunate that Verizon has made a number of incorrect statements for the purpose of opposing SBA's appeal. It only serves to make the BZA's job more difficult. But having now corrected those incorrect statements, SBA trusts that the BZA will give its appeal the careful consideration that is required, based on the accurate information provided by SBA.

We look forward to further discussing these issues with the BZA at its meeting on February 13, 2020.

Yours very truly,



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mll

Enclosure

By e-mail and U.S. mail

11.03.2019

