



Andy Schor
Mayor

**LANSING BOARD OF ZONING APPEALS
REGULAR MEETING
DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING
600 W. Maple (Neighborhood Empowerment Center)
Thursday, October 11, 2018, 6:30 PM**

AGENDA

- I. ROLL CALL**
- II. APPROVAL OF AGENDA**
- III. PUBLIC COMMENT**
- IV. ACTION**
 - A. BZA-4041.18, 1924 Remsing Drive, Rear Yard Setback Variance Request**
 - B. BZA-4042.18, 628 Glendale Avenue, Appeal of Administrative Decision**
- V. OLD BUSINESS**
- VII. NEW BUSINESS**
- VI. APPROVAL OF MINUTES**
 - A. Regular Meeting, September 13, 2018**
- 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).

- @ PLANNING OFFICE LOBBY**
- @ CITY CLERK'S OFFICE**
- @ CITY COUNCIL OFFICE**

GENERAL INFORMATION

APPLICANT: Slater Home Improvement
4425 MarMoor Drive
Lansing, MI 48917

OWNER: David & Lillian Arganian
1924 Remsing Drive
Lansing, MI 48911

REQUESTED ACTION: Variance to the rear yard setback requirement

EXISTING LAND USE: Single Family Residential

EXISTING ZONING: "A" Residential District

PROPERTY SIZE & SHAPE: Rectangular shaped lot
60' x 101.1' = 6,063 square feet (.139 acres)

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

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

MASTER PLAN DESIGNATION: The Design Lansing Master Plan designates the subject property for low density residential land use. Remsing Drive is designated as a local road.

ANALYSIS

This is a request by Slater Home Improvements to construct an enclosed porch on the back of the house at 1924 Remsing Drive that would have a setback of 23 feet, 10 inches from the rear (south) property line. Section 1248.09 of the Zoning Ordinance requires a rear yard setback of 30 feet. A variance of 6 feet, 2 inches to the rear yard setback requirement is therefore, being requested.

Required	Proposed	Variance
30 foot rear yard setback	23 foot, 10 inch rear yard setback	6 feet, 2 inch rear yard setback

ANALYSIS

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

Practical Difficulty or Hardship

The applicant has not presented any documentation demonstrating that there features associated with the subject property that would present a practical difficulty with regard to compliance with the ordinance standard. It is assumed that the applicant would consider denial of the variance an unnecessary hardship on the owners by prohibiting them from constructing an enclosed porch on the rear of the house. The application states:

“With the enclosed porch, we will be able to sit and enjoy our back yard and read our books. We would appreciate your consideration. With our age (we are in our 80’s), we have limited use of our back yard.”

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

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

The request does meet the first criterion since the variance request is directly related to the ordinance regulation which requires a 30 foot front yard setback. The applicant would like to construct a 10’ x 16’ enclosed porch on the rear of the house at 1924 Remsing Drive that would have a setback of 23’10” from the rear property line.

The second criterion involves whether the applicant created the practical difficulty associated with the requested variance. This request, however, does not involve a determination as to whether there is a practical difficulty that warrants relief from the ordinance but rather, if the denial of the variance would cause an unnecessary hardship on the owner. The second criterion, therefore, is not applicable.

The third criteria relates to whether there is something unique about the subject property that sets it apart from most other properties in the City zoned "A" Residential that either makes compliance with the ordinance standard unreasonable difficulty or would deny the owner reasonable use of their property. By assuring that the request is adequate to differentiate it from a claim that could be made by most other property owners, the intent of the ordinance standard is preserved. Correspondingly, the request must be more than just a matter of mere preference. In this case, there is nothing unique about the subject property, particularly in comparison to most other lots along Remsing Drive that would warrant a variance to the rear yard setback requirement. The site is perfectly rectangular, complies with the minimum lot size for a single family residential lot and there is no uneven topography or other unique natural feature associated with the property. Furthermore, the applicant's house is already one of the largest on Remsing Drive, and thus, the applicant is able to make reasonable use of the property as it currently exists. Allowing the setback requirement to be breached just to accommodate an addition to the back of the house is not sufficient justification to warrant approval of a variance.

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

IMPACT STANDARDS

The Ordinance also establishes four standards under Section 1244.06 (e) that must be satisfied relating to the impact of the variance on the surrounding properties and general public. These standards and the manner in which they relate to the request are as follows:

1. The use will be in harmony with the appropriate and orderly development of the surrounding neighborhood.

The reduced setback will be disruptive to the appropriate development of the neighborhood as it will allow for an encroachment into the established rear yard setback pattern in the area, as depicted on the attached aerial photograph. The intent of setback regulations is to create uniform building patterns so that neighborhoods develop in an orderly manner. The intent of the rear yard setback requirement, in particular, is to provide adequate space between structures for privacy and to accommodate sufficient outdoor space for a quality living environment. Approval of the requested variance would be inconsistent with the established setback rear yard setback pattern and thus, contrary to the intent and purpose of the ordinance.

2. The use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved.

The requested variance will have no impacts on vehicle or pedestrian traffic.

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

The proposed variance will not generate any nuisances.

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

See response to item 1 above. Additionally, in the absence of a practical difficulty that would warrant relief from the ordinance standard or a demonstration that denial of the request would cause an unnecessary hardship on the owner by preventing reasonable use of the property while still upholding the intent of the ordinance standard, approval of the variance will set a negative precedent for future requests to vary the rear yard setback requirement.

FINDINGS

This is a request by Slater Home Improvements to construct an enclosed porch on the back of the house at 1924 Remsing Drive that would have a setback of 23 feet, 10 inches from the rear (south) property line. Section 1248.09 of the Zoning Ordinance requires a rear yard setback of 30 feet. A variance of 6 feet, 2 inches to the rear yard setback requirement is therefore, being requested.

The available information supports a finding that the requested variance is not consistent with the practical difficulty criteria of Section 1244.06 (c) or the impact criteria of Section 1244.06 (e).

RECOMMENDATION

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

I move that BZA 4041.18 be denied for a variance of 6 feet, 2 inches to the rear yard setback requirement to permit the addition of an enclosed porch on the rear of the house at 1924 Remsing Drive, on a finding that the variance would not be consistent with the practical difficulty criteria of Section 1244.06 (c) or the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application.

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

Stachowiak, Susan

From: Cassie Alley <cassie.alley@yahoo.com>
Sent: Friday, September 28, 2018 5:36 PM
To: Stachowiak, Susan
Subject: BZA-4041.18, 1924 Remsing Drive

We are sending this email to you to request that the Board of Zoning Appeals deny the the variance request by Slater Home Improvements to construct an enclosed porch on the back of 1924 Remsing Drive in Lansing.

My husband and I live 1/2 block away from this home. This home is currently red-tagged, I assume as a result of the residents being hoarders. I have not been inside of their home but often see inside the garage when the door is open that it is piled full of what appears to be garbage. We worry about the bugs and rodents that likely live in their house. We also fear that they may be adding space so that they can fill it with more trash. Our hope is that they will be made to clean out their home completely before they are ever considered for a variance to add more space on to their home.

Thank you,
Mark and Cassie Alley
6734 Seka Drive
Lansing MI 48911
517-242-1941

1924 REMAINING DR.

EXISTING HOME

48'

6'

28'

NEW
ENCLOSED PORCH
16' X 10'

16'

10'

23' 10"

33' 10"

33' 10"

BACK OF HOME

S.

PLOT PLAN

1/4" = 2'

Existing Home

EXISTING 9' SLIDING PATIO DOOR

- A. 3' ENTRANCE DOOR
- B. 3'X5' DOUBLE HUNG WINDOWS

ENCLOSED PORCH

EXTERIOR WITH MATCHING WINDOWS, SIDING, ROOFING, GABLE STYLE INTERIOR ELECTRIC OUTLETS, SIDING ON WALLS, CEILING SOFFIT ALUMINUM

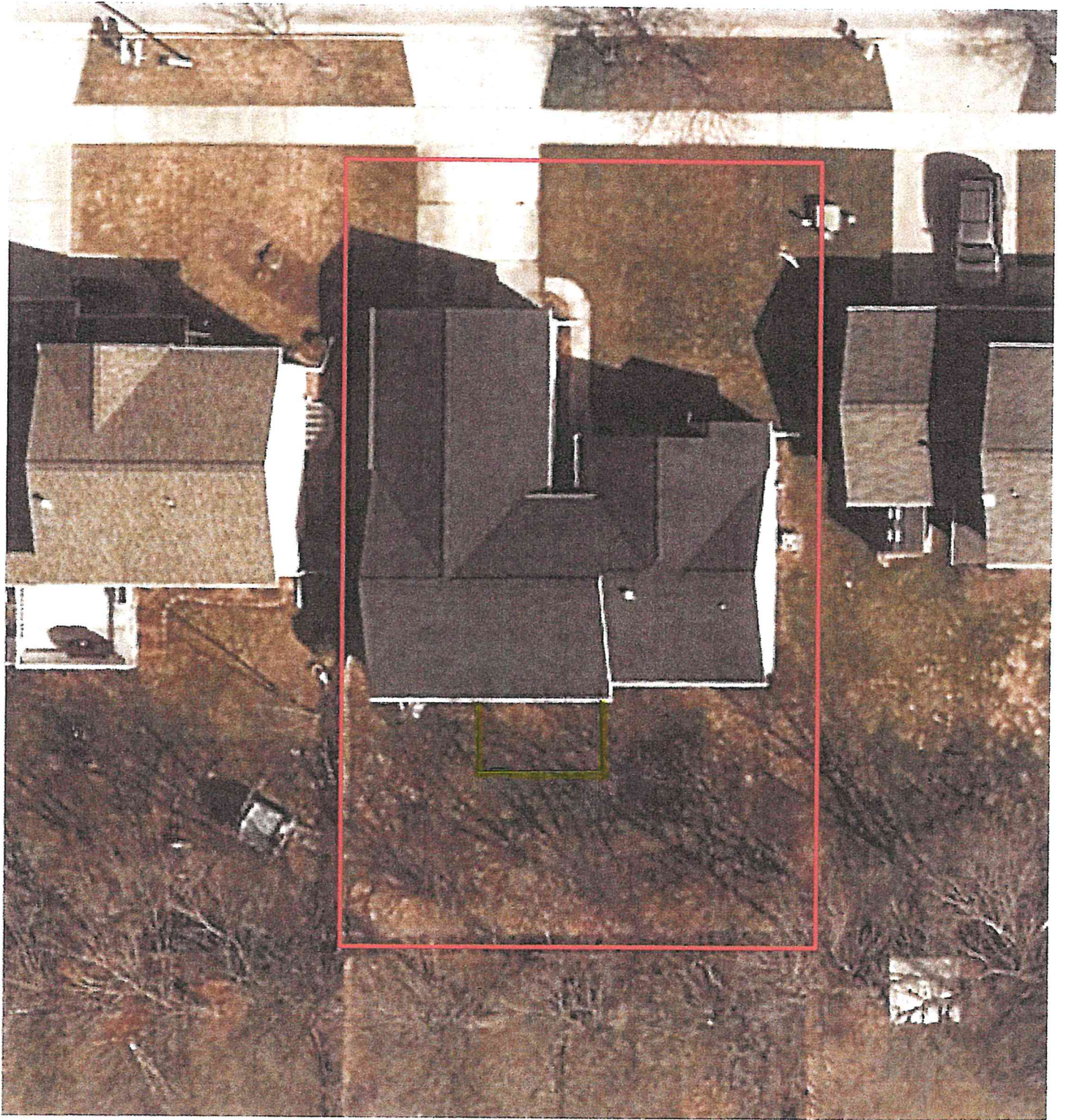
NEW ENCLOSED PORCH

16'

10'

1924 REMYING DR
LANSING MI





1924 REMSING DR

Remsing Drive

1924



Legend

roads_final

FEMA Flood Zones

Flood Zone

0.2 PCT ANNUAL CHANCE FLOOD HAZARD

A

AE

Tax Parcels

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

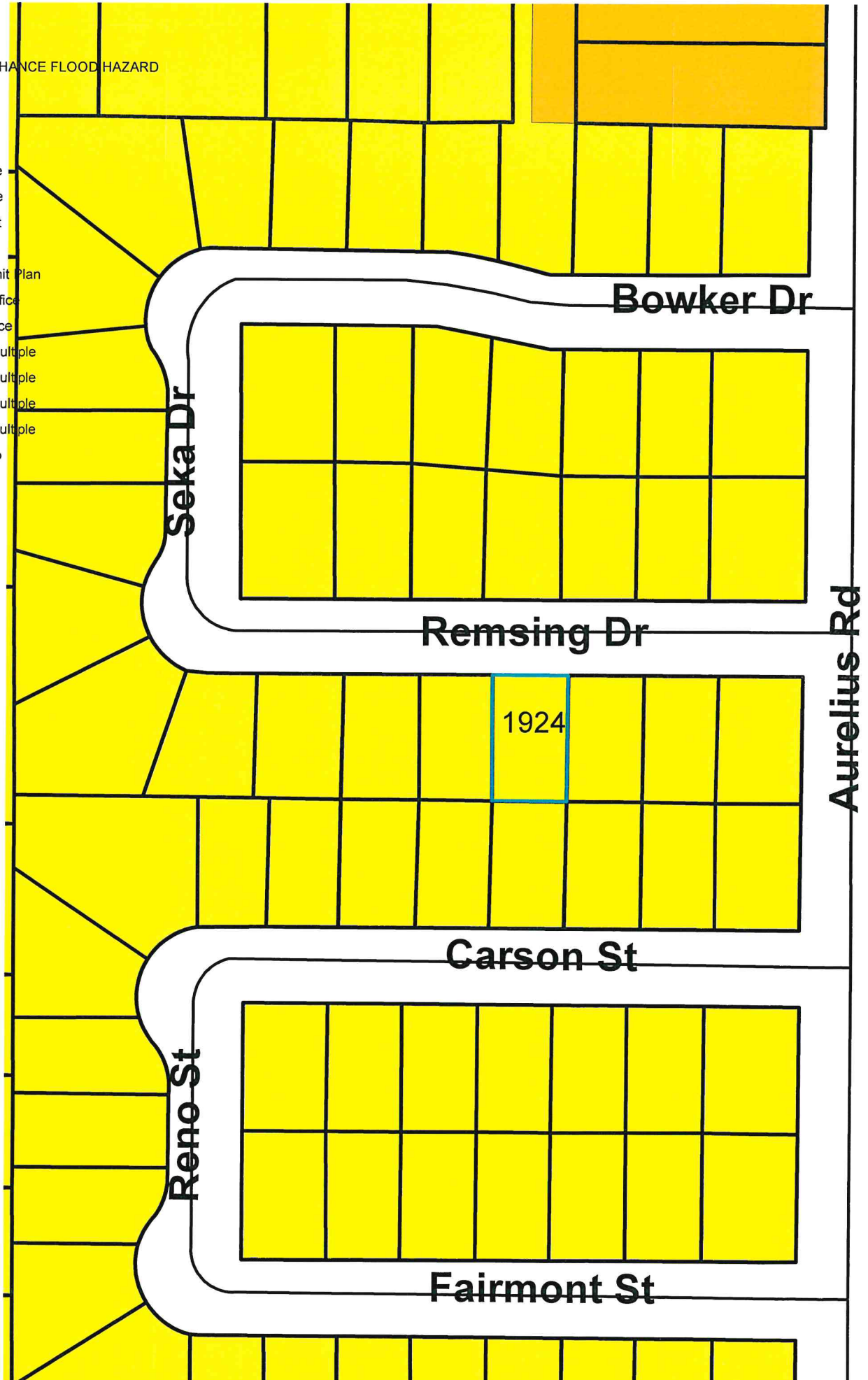
H Light Industrial

I Heavy Industrial

J Parking

ROW Right of Way

Zoning



GENERAL INFORMATION

APPLICANT: Kevin Ohl
628 Glendale Avenue
Lansing, MI 48910

OWNER: Nicole Ohl-Shaw
628 Glendale Avenue
Lansing, MI 48910

REQUESTED ACTION: Appeal of Administrative Decision

EXISTING LAND USE: Single Family Residential

EXISTING ZONING: "A" Residential District

PROPERTY SIZE & SHAPE: Rectangular shaped lot
65' x 137' = 8,905 square feet (.2 acres)

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

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

MASTER PLAN DESIGNATION: The Design Lansing Master Plan designates the subject property for low density residential land use. Glendale Avenue is designated as a local road.

SUBJECT

The applicant, Kevin Ohl, is appealing a decision by the City's Zoning Administrator that the mobile home located on the property at 628 Glendale Avenue, which is zoned "A" Residential, is in violation of the Zoning Ordinance and must be removed. The Zoning Administrator has determined that the "A" Residential district permits one single family residential dwelling unit per parcel of land and that the mobile home constitutes a second dwelling unit as there is already a permanent house on the property. The applicant is appealing the decision that the mobile home is considered a dwelling unit as it is only used for sleeping purposes and is not connected to any utilities. The applicant also contends that the structure is considered a trailer as opposed to a mobile home and is therefore, permitted to be parked on the property.

AUTHORITY

Section 1442.03 of the Zoning Ordinance lists the powers and duties of the Board of Zoning Appeals, one of which is:

“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

A notice of violation was sent to the owner of 628 Glendale Avenue on August 27, 2018 (see attached) ordering the removal of the mobile home shown in the attached photograph within 10 days. At the request of the appellant, whose daughter owns the property and lives in the house, a 14-day extension was granted during which time the mobile home was either to be removed or an application to the Board of Zoning Appeals appealing the decision was to be filed with the Planning Office. The application for appeal was submitted within the allowable time frame.

As with variance requests, a public hearing is required for a request to appeal an administrative decision. Notice of the public hearing was sent to the owners, occupants and taxpayers of all real property within 300 feet of the site.

APPEAL

The applicant is appealing the decision of the City Zoning Administrator that the structure in question is considered a “dwelling unit” and is in violation of the Zoning Ordinance. The petition states that:

“My wife Michelle and I are simply using the trailer as sleeping accommodations, and therefore, do not consider this to be a violation of the A Residential zoning of our daughter’s property. There have been no utilities connections made to the trailer; no water, sewer, or electrical. We do plan on connecting a free-standing certified 100# propane tank to the furnace of the trailer so that we can have heat in cold weather.”

The appellant also contends that the structure is not considered a “mobile home” but rather a “trailer coach” as that is how it is classified by the State of Michigan (see attached certificate of title).

ZONING ADMINISTRATOR’S DECISION

It is the Zoning Administrator’s determination that the structure that is the subject of this request is considered a mobile home, as that is the purpose for it was manufactured, and thus qualifies as a dwelling unit as defined by Section 1240.03 of the Zoning Ordinance:

“Dwelling unit means a structure or a portion of a structure on a permanent foundation with one or more rooms, including a bathroom and complete kitchen facilities, which rooms are arranged, designed or used as living quarters for one family. **"Dwelling unit" includes** a structure constructed on-site, **a mobile home not located in a mobile home park**, a pre-manufactured unit, a precut structure or a panelized structure, whether erected above and/or below ground, which complies with the following standards:”

This Section defines a mobile home as:

“Mobile home means a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. "Mobile home" includes a manufactured home, but does not include a trailer.”

By the standards of the Zoning Ordinance and the definitions contained therein, a mobile home is a structure, just like a house, that is designed for permanent occupancy. A trailer, by contrast, is a vehicle, such as a motor home or pop-up camper that is used for temporary living or sleeping purposes. Trailers are only permitted in the “A” Residential district, which is the zoning designation of the subject property, in a designated and approved trailer camp. A trailer camp is permitted in the “A” Residential district, with a special land use permit, on a site that is at least 10 acres in size. The subject property contains 8,905 square feet.

In the “A” Residential district, mobile homes are only permitted if they are firmly attached to a permanent foundation, have a core living space of at least 24 feet by 24 feet, an internal height of at least 7.5 feet and comply with the other design standards listed in Section 1240.03 under the definition of “dwelling unit”. As evidenced by the attached photographs, the structure that is the subject to this request does not comply with any of these requirements.

Chapter 1248, Section 1248.02 lists a “one-family dwelling” as a use permitted by right in the “A” Residential district. Chapter 1248 makes no provision for allowing more than one dwelling unit on a single parcel of land, except as a planned residential development which requires approval by the City Council, following a public hearing and a recommendation from the Planning Board. In order to be approved for a planned residential development, the site and the buildings located thereon would have to comply with numerous requirements for parking, lot size, setbacks, open space, distance between buildings, etc. The subject property is too small to accommodate the minimum requirements for approval of a planned residential development. For example, a minimum of 2 on-site parking spaces would be required for each unit. As evidenced by the attached photographs, the location of the trailer only leaves room for 2 parking spaces in the driveway. In addition, a minimum lot size of 12,000 square feet would be required for a 2-unit planned residential development. The subject property is 8,905 square feet in area.

Section 1248.03(14) of the Zoning Ordinance provides that:

“An accessory use of a lot may include the parking of up to four operable vehicles or one operable vehicle for each licensed resident driver residing at the dwelling, whichever is greater. All vehicles must be incidental to the primary use and not be stored on the lot.”

Storage is defined by the Zoning Ordinance as:

“the holding or safekeeping of goods to await the happening of some future event or contingency which will call for the removal of the goods.”

The mobile home cannot be considered a permissible vehicle as it is not drivable on its own, it is not incidental to the primary use of the property (single family dwelling) and it is clearly being stored on the lot as it has not moved in several weeks. In fact, the information provided by the appellant indicates that, if given the necessary approvals, he intends to leave the structure on the property and continue to use it for sleeping purposes indefinitely.

In addition to the above, the mobile home cannot be occupied, especially for sleeping purposes, as it does not comply with minimum housing or building code requirements for such use. No structure may be used for sleeping/residential purposes that is not connected to the necessary electrical, mechanical and plumbing utilities required by code to may it a safe and sanitary environment for human occupancy. Therefore, even if the zoning issues are resolved by a ruling from the Board of Zoning Appeals in favor of the appellant, the structure would have to be brought into compliance with all applicable housing and building codes for residential occupancy. This will include properly connecting the structure to electrical, mechanical and plumbing utilities.

SUMMARY

It is the Zoning Administrator's position that the structure that is the subject of this request is not permitted on the property at 628 Glendale Avenue for the following reasons:

- * The structure is considered a mobile home which, by Zoning Ordinance definition and by design is a "dwelling unit".
- * Since the subject property is zoned "A" Residential, one dwelling unit is permitted. The mobile home constitutes a second dwelling unit as there is also a permanent home on the property.
- * The issue of whether the structure falls under the definition of a mobile home or a trailer is irrelevant as the structure would be in violation of the Zoning Ordinance in either case. If it is a mobile home, it is a 2nd dwelling on a parcel zoned "A" Residential. If it is a trailer, it is only permitted to be parked in a designated trailer park.
- * The structure, even though it may be classified as a vehicle by the State of Michigan, is not considered a vehicle permitted to be parked on a single family residential lot by the standards of the Zoning Ordinance. The structure is not "incidental" to the principal use of the lot which is a single family residential home and it is clearly being stored rather than just parked on the lot.
- * The structure does not comply with Housing or Building Code requirements for human occupancy, even if it is used only for sleeping quarters.

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

**Department of Economic
Development and Planning**
Brian McGrain, Director



Andy Schor, Mayor

Planning and Zoning Office
316 N. Capitol Avenue, Suite D-1
Lansing, Michigan 48933
PH: 517.483.4060 – FAX: 517.483.6036
www.lansingmi.gov

August 27, 2018

Nicole Ohl-Shaw
628 Glendale Avenue
Lansing, MI 48910

RE: Notice of Violation

Dear Ms. Ohl-Shaw,

Please be advised that the trailer parked on your property violates numerous provisions of the City of Lansing Zoning Ordinance. Most notably, the property at 628 Glendale Avenue is zoned "A" Residential, which district permits one single family dwelling per parcel of land. The trailer is a separate dwelling unit and is not permitted to be parked on any residentially zoned parcel of land, except within a site specifically designated for trailers.

Please have the trailer removed from your property within ten (10) calendar days from the date of this letter. Failure to comply with this notice will result in issuance of a civil fine. In addition, the City will seek a court order of compliance.

If you have any questions, please do not hesitate to contact me at 517-483-4085.

Sincerely,

A handwritten signature in blue ink, appearing to read 'SS', is written over the word 'Sincerely,'.

Susan Stachowiak
Zoning Administrator

September 20, 2018

To:

City of Lansing – Zoning Office

Board of Appeals

From:

Petitioner Kevin Ohl

Petition Responses

"Describe or Explain Your Proposal for This Property"

Our proposal is for the Zoning Board of Appeals to rule that the use of our trailer located at our daughter Nicole Ohl-Shaw's residence at 628 Glendale, Lansing, MI 48910, as only sleeping accommodations, is not in violation of the A-1 Residential Zoning of that property.

Prior to moving the trailer to the 628 Glendale location, and even prior to me purchasing the trailer, I contacted the Zoning Office and spoke with Mr. Zachary Driver. I explained to him that we wanted to locate the trailer at our daughter's residence in Lansing and that it was only to be used for sleeping accommodations. Mr. Driver indicated that he doubted that we would be in violation of any city ordinances, but we did have concerns that if there were complaints by any neighbors, he may have to address those complaints (as of this date, no complaints have been made).

Subsequently, Mr. Chris Breiter, Premise Officer from the Code Enforcement Office, visited the trailer in late August or early September, and after my wife explained to him what our purpose was for having the trailer there, he stated that he thought that "technically", we were not in violation of any city ordinances,

My wife Michelle and I are simply using the trailer as sleeping accommodations, and therefore do not consider this to be in Violation of the A-1 Residential Zoning of our daughter's property (628 Glendale).

There have been no utilities connections made to the trailer; no water, sewer, or electrical. We do plan on connecting a free-standing certified 100# propane gas tank to the furnace of the trailer so that we can have heat in cold weather.

Additionally, Ms. Stachowiak has stated verbally, and in her letter dated September 11, 2018 (attached) that our trailer is a mobile home. Attached is a copy of the State of Michigan Title which states that what we own is a Trailer Coach, not a mobile home.

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

As stated by Ms. Susan Stachowiak, City of Lansing Zoning Administrator, in her letter dated August 27, 2018 (attached), we will be forced to move the trailer to another location. We could also be liable for civil fines, causing us considerable expense that on our very limited Social Security income we simply cannot afford.

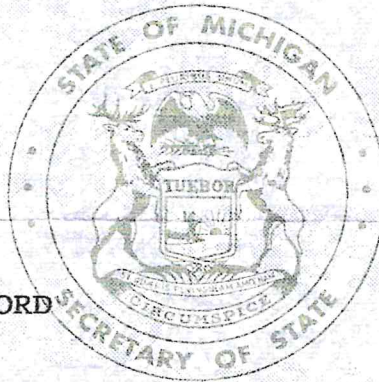
CERTIFICATE OF TITLE

VEHICLE IDENTIFICATION NUMBER 1W9BD02S5X1046555 YEAR 1999 MAKE WOODLAND MODEL BODY STYLE TRLR COACH

TITLE NUMBER 121G1130593 T ISSUE DATE 04/24/2018 ODOMETER BRAND/LEGEND

WEIGHT/FEE CATEGORY 10000 ODOMETER BRAND

OWNER(S) NAME AND ADDRESS
 KEVIN DOUGLAS OHL
 2480 HOOVER AVE
 WEST BLOOMFIELD MI 48324



NO SECURED INTEREST ON RECORD

Title Assignment by Seller

State and federal laws require the seller(s) to indicate mileage when ownership is transferred. Failure to complete or providing false information may result in civil liability, fines and/or imprisonment. ANY ALTERATION, ERASURE, FALSE STATEMENT, FORGERY OR FRAUD VOIDS THIS TITLE AND IS A CRIME.

Completed by Seller	I warrant that the ownership of the vehicle described on Certificate of Title has been transferred to the following purchaser(s) and is free of all previous liens:			
	Printed Name of Purchaser(s)		Date of Sale	Selling Price
	Purchaser's Street Address		City	State
			Zip	
Completed by Buyer	I (we) certify that the odometer reading is: ☒ and that to the best of my knowledge the odometer mileage is:			
	(No Tenths)			
	☐ actual mileage ☐ not actual mileage - WARNING ODOMETER DISCREPANCY ☐ exceeds mechanical limits of odometer (odometer has rolled over)			
	Signature of Seller(s)		Printed Name of Seller(s)	
Completed by Buyer	X			
	Seller's Street Address		City	State
			Zip	
	A \$15.00 Late Fee is Due for Failure to Apply for Title Within 15 Calendar Days of Date of Assignment			
Completed by Buyer	"I am aware of the above odometer certification made by the seller(s)."			
	Signature of Purchaser(s)		Printed Name of Purchaser(s)	
	X			
	NEW LIENHOLDER INFORMATION: The information below must be on an application for title and presented to the Michigan Department of State.			
Completed by Buyer	Secured Party:		Address:	

The State of Michigan, Michigan Department of State certifies that this certificate of title is issued in compliance with the laws of Michigan and constitutes prima facie proof of ownership. Further, on the date of title issuance, the described vehicle was subject to the security interest(s) listed above.

MAILING ADDRESS

KEVIN DOUGLAS OHL
 2480 HOOVER AVE
 WEST BLOOMFIELD MI 48324

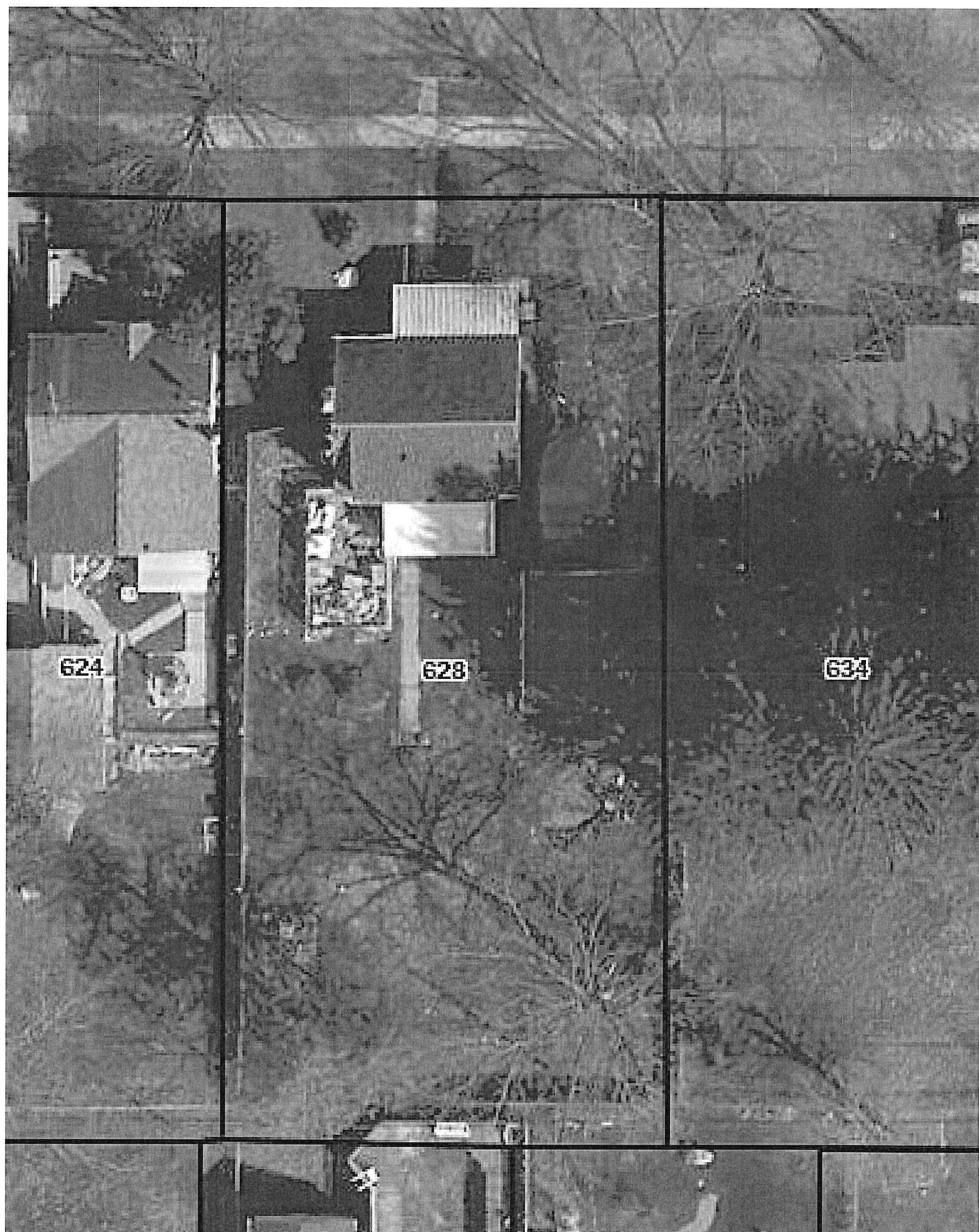
G92199078

****NOTICE TO SELLERS****
 Sellers must keep a receipt or photocopy of the reassigned title for their records for 18 months or accompany the purchaser to a Secretary of State Office.









Legend

roads_final

FEMA Flood Zones

Flood Zone

0.2 PCT ANNUAL CHANCE FLOOD HAZARD

A

AE

Tax Parcels

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

Zoning

Vernon Ave

Glendale Ave

628

Irvington Ave

Ridgewood Ave

Southgate Ave

Wildwood Ave

Hunter Blvd

N



**MINUTES OF REGULAR MEETING
BOARD OF ZONING APPEALS
September 13, 2018, 6:30 P.M.
Neighborhood Empowerment Center - 600 W. Maple Street**

I. ROLL CALL

The meeting was called to order by Chairperson Marcie Alling at 6:35 p.m. Roll call was taken.

Present: M. Alling, J. Leaming, C. Iannuzzi, M. Rice, K. Berryman & M. Solak

Absent: J. Hovey & J. Quick

Staff: S. Stachowiak

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

II APPROVAL OF AGENDA

It was moved by Mr. Rice, seconded by Mr. Leaming to approve the agenda as printed. On a voice vote, the motion carried 6-0.

III. PUBLIC COMMENT

IV. ACTION

A. BZA-4039.18, 2900 Collins Road

Ms. Stachowiak said that this is a request by McLaren Greater Lansing to construct a new hospital on the property at 2900 Collins Road that would have a maximum building height of 178 feet and would have frontage on and be accessed via Forest Road and Collins Road, both of which are classified as collector roads. Section 1260.09 of the Zoning Ordinance limits the height of a building in the "D-1" Professional Office district, which is the zoning designation of the subject property, to 45 feet. Section 1260.03(b) requires the lot on which a hospital is located to have not less than one property line abutting a principal arterial. This Section also requires that each point of ingress and egress to the site must be directly from a principal or minor arterial. A variance of 133 feet to the building height limitation and variances to the road frontage classification for a hospital site and to the road classification requirement providing access to the site are therefore, being requested. Ms. Stachowiak stated that staff is recommending approval of the requests, based on a finding that the variances are consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application.

Ms. Stachowiak said that the 45 foot building height limitation is impractical for a hospital given its unique operations and needs in comparison to other uses permitted in the "D-1" Professional Office district. She also said that the proposed location is ideal for a hospital, despite it having its road frontage and only vehicular access from 2 collector roads. Ms. Stachowiak said that if the variance is denied, the applicant would have to build horizontally rather than vertically which would make the hospital operations inefficient to the extent that the project would not be viable. Building vertically allows the hospital staff to travel through the building by elevator and stairs which is much faster and far more efficient than traveling through hallways in a sprawled-out building. She said that in the case of a hospital, this is essential in comparison to a typical office building where the efficiency and speed with which its occupants can travel through the building is really just a matter of mere convenience.

Ms. Stachowiak said that with respect to the road classification variances, the applicant has selected a location that is very appropriate for a hospital, despite being located on and accessed by collector road, particularly since there are no residential uses adjoining the subject property. She said that road classifications are based on traffic volumes and the uses that the roads serve. At this time, the uses on Collins Road and Forest Road do not generate enough traffic or serve the types of uses that would warrant being classified as principal or minor arterials. The traffic generated by the hospital, once in full operation, will likely result in the designation, as least for Collins Road, being reclassified as a minor arterial. Ms. Stachowiak stated that while Collins and Forest Roads are designated as collectors, both are designed to accommodate a fairly high volume of traffic and any necessary upgrades to the roads to accommodate traffic from the hospital will be installed as part of the overall project.

She said that she received a phone call from Nancy Mahlow, president of the Eastside Neighborhood Organization in opposition to the height variance.

Ms. Alling opened the public hearing.

Dan Rooney, KMG, representing McLaren Hospital, spoke in support of the request. He said that 178 feet is the height to the highest element. The maximum height of the building itself is 140 feet (9 stories) and the rest is technology. Mr. Rooney said that a traffic study has been conducted and improvements to the transportation system will need to be installed. He said that McLaren will be contributing to the costs of those improvements.

Ms. Alling stated that traffic is pretty heavy in the area during MSU football games.

Mr. Rooney said that traffic for a hospital is steady rather than a lot of traffic all at one time. He said that football game traffic affects everything in the area but it is only 6 times each season. Mr. Rooney said that the traffic improvements will make things more efficient for football game traffic as well.

Mr. Leaming asked about the future use of the existing McLaren facilities. He also asked if the variances are the last step in obtaining the necessary approvals for the new hospital.

Ms. Stachowiak said that they are zoned "DM-4" Residential, which district permits hospitals but that the sites may need to be rezoned in order to accommodate an appropriate reuse of the sites. She said that the site plan for the development is currently being processed at the staff level. She also said that the only remaining approval besides the variances and the administrative site plan review is final approval by the City Council of the request to vacate portions of Alliance Drive and Technology Blvd.

John Shaski, 2911 Stoneleigh Drive, spoke in opposition to the variances. He said that he works for Sparrow but is only representing himself as a resident of the area and a member of the Forest View Neighborhood Association. Mr. Shaski said that he is also the ward 2 representative to the Planning Board. He stated that Ms. Stachowiak was incorrect in stating that there are no residences surrounding the subject property as there is a house located on the north side of Forest Road directly across from the proposed hospital site. Mr. Shaski asked that the BZA delay action on the variance requests until he and the other neighbors receive answers to the concerns about the project that have been expressed to McLaren. He said that McLaren's website about this project has not been updated since June and McLaren has not been responsive to the concerns regarding traffic and other matters that may affect the residents of the area.

Elena Keller, 2718 Wabash Road, stated that she is not opposed to the project but is concerned about the increased traffic, particularly during MSU events. She said that Forest and Collins Roads are both in poor condition. Ms. Keller stated that Forest Road is a scenic corridor that would be destroyed if it were to be widened, resulting in the loss of many trees along the roadway. She also expressed concerns about noise, lights, helicopters, exacerbating sewer

problems that already exist in the area, the disruption of wetlands and the destruction of as wildlife habitat. Ms. Keller said that McLaren has not been "transparent" where this project is concerned.

Mindy Jones, 2724 Fireside Drive, spoke in opposition to the request. She said that football games are 7-8 times each season, not 6 as previously stated. Ms. Jones asked Ms. Stachowiak for clarification on the 3 variances that area being requested.

Jean Herford, 2208 Robinson Road, expressed concerns about the cold way in which this project has been handled. She said that there is a lot of wildlife in the area that will be impacted by this development, not to mention its impact on peace and quiet of the area for its residents. She expressed concerns about noise, light and traffic that will be generated by the hospital, thus changing the character of the area as it currently exists.

Kenneth Kerbyson, 2520 Forest Road, stated that traffic has increased a great deal on Forest Road over the past 3 years and the hospital will make it much worse. He said that motorists tend to speed, sometimes traveling at twice the speed limit. Mr. Kerbyson expressed concerns about the increase in traffic that will be generated by the hospital as well as other issues that could negatively impact the quality of life for residents in the area.

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

Mr. Rice stated that a lot of issues have been raised with regard to noise, light glare and the responsiveness by the hospital to the concerns of the neighbors. He said that the BZA has very specific criteria that it must consider, and only consider, when evaluating requests for variances. Mr. Rice said that the BZA members are volunteers that are not compensated in any way and that they must look at these requests objectively in accordance with the criteria set forth in the Zoning Ordinance. He said that in this case, the only issues before the Board are the height of the building and the road classification. Mr. Rice said that there is a concern amongst the neighbors that McLaren is not listening to their concerns and he hopes that changes but it is not an issue that the BZA can take into consideration when making its decision. He said that he is inclined to support the variances as the 45 foot building height limitation is not sufficient for a hospital. With regard to the road classification, he said that the reason that Collins Road is not classified as a minor arterial is being the traffic volumes do not warrant it at this time but will dramatically increase with the hospital to the extent that it could be reclassified once the hospital is in full operation.

Mr. Leaming said that the BZA needs to make a decision based on the criteria set for the in the Zoning Ordinance for evaluating variances, which he read aloud for the audience. He said that the only matters that the Board is considering are the building height and road classification and in his opinion, the requests satisfy the evaluating criteria. Mr. Leaming stated that the traffic concerns will be addressed by the City at the administrative level.

Ms. Alling expressed support for the variances stating that site is zoned for a hospital but does not allow for a building height necessary to accommodate a hospital. She also said that the City will ensure that the necessary traffic controls/improvements are in place to properly manage the traffic. Ms. Alling asked that the hospital work with the neighbors to address their concerns.

Mr. Rice made a motion, seconded by Mr. Solak to approve BZA 4039.18 be approved for a variance of 133 feet to the 45 foot building height limitation and for variances to the requirement that hospitals be located on and have direct access to a principal or minor arterial, to permit a 178 foot high building and to permit a hospital that would have frontage on and its only access to collector roads, on a finding that the variances would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this request. On a roll call vote, the motion carried unanimously (5-1). Mr. Berryman cast the dissenting vote.

B. BZA-4040.18, 1600 Block, East Kalamazoo Street

Ms. Stachowiak said that this is a request by the Allen Neighborhood Center to permit the properties located at 317 Allen Street, 326 Shepard Street and the parcels located on the north side of the 1600 block of E. Kalamazoo Street to be used for a mixed residential/commercial building. The applicant is proposing a total of 40 residential units which requires 56,800 square feet of lot area in accordance with Section 1256.06 of the Zoning Ordinance. The site contains 49,248 square feet. Section 1284.13 of the Zoning Ordinance requires 160 parking spaces for the proposed project. 80 parking spaces can be accommodated on the site. Section 1268.06 of the Zoning Ordinance requires a 20 foot front yard setback in the "F" Commercial district, which is the zoning designation of the subject properties. The building will have a zero foot setback along E. Kalamazoo Street, an 8 foot setback along Allen Street and a 9.25 foot setback along Shepard Street. Variances of 7,552 square feet to the lot area requirement, 80 to the required number of parking spaces and 20, 12 and 10.75 feet to the required setbacks are therefore, being requested. Ms. Stachowiak stated that staff is recommending approval of the request, based on a finding that the variances are consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application.

Ms. Stachowiak stated that the practical difficulty in this case involves the limited amount of land necessary to accommodate the lot area requirement for enough residential units to make the development economically feasible and to accommodate the required number of parking spaces. She said that compliance with the zoning ordinance requirements would result in the applicant having to purchase adjoining residential properties, demolish the houses to create additional parking and constructing/relocating the building to the required 20 foot front yard setback along the street frontages, all of which would be contrary to the desired land use pattern for the area as described in the master plan and with proper planning and zoning principles in general for an urban neighborhood/low impact commercial environment.

Ms. Stachowiak stated that she received a call from Emily Franklin and one other resident in the area in support of the request. She said that she received a phone call from the owner of 313 Allen Street expressing concerns about the close proximity of the parking lot to his property line and how snow storage will be handled.

Ms. Alling opened the public hearing.

Joan Nelson, Director, Allen Neighborhood Center (ANC), 1611 E. Kalamazoo Street, spoke in favor of the request. Ms. Nelson said that ANC recently purchased the property on the north side of the 1600 block of E. Kalamazoo Street, even though it has occupied the building for 19 years. She said that the complex is for the most part empty with the exception of ANC and one other business. The entire 2nd floor is vacant. Ms. Nelson said that the development will include 40 residential apartment units will likely be occupied in large part by older people who no longer wish to own a home but want to stay in the area. She said that they are working with MSHDA to make it an affordable place to live. Ms. Nelson said that the proposed amount of parking should be sufficient, given that many of the residents in the target population will likely only have 1 vehicle per unit and will take advantage of public transportation. She also said that there are options for leasing on-site parking from other sites in the area if necessary.

Jonathan Lum, Chairman of the ANC Board, 1500 N. Fairview Avenue, spoke in favor of the request. He said that the type of development that is being proposed is appropriate for the area. Mr. Lum said that it is anticipated that there will be a decline in the need for parking in years to come as people become less reliant on private automobiles. He said that Neogen has always helped ANC with parking in their lot during special events. He also said that they will provide a buffer between the parking lots and the residential neighbors to the north.

Rick Kibbey, 1614 Linbergh Drive, spoke in support of the request. He said that he has a strong background in urban planning and this proposal represents good planning for the area in

which it is located. Mr. Kibbey said that this type of development is consistent with the Master Plan and will be permitted as a matter of right in the proposed form-based code.

Pat Harrington, 313 Allen Street, stated that he is happy about the proposed project but wants to ensure that there is a sufficient buffer/screen so that headlights do not shine into his windows. He also said that the parking lot will be about 3 feet from his house and thus, snow storage is a concern with regard to damaging or causing leakage in his basement.

Ms. Nelson said that she and her team will work with Mr. Harrington to ensure that these matters are addressed.

Darryl Taylor, 1710 E. Kalamazoo, spoke in support of the request. She said that this is a great project and may be the catalyst for other positive changes in the area as well.

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

Mr. Leaming stated that the project is appropriate for the area. He said that they have addressed the parking and have done some community outreach. Mr. Leasing said that trying to retrofit a new development in an area such as the 1600 block of E. Kalamazoo is difficult and the requested variances seem reasonable.

Mr. Rice stated that the request complies with the evaluation criteria set for the in the Zoning Ordinance, as described in the staff report, and he will be supporting the variances. He said that without variances, it would not be possible to develop the site in a manner consistent with the area in which it is located and with the City's master plan.

Mr. Berryman agreed that the project is good for the area in which it will be located and he is able to support the variances. The other Board members agreed as well.

Mr. Iannuzzi made a motion, seconded by Mr. Berryman to approve BZA 4040.18 for variances of 7,552 square feet to the lot area requirement, 80 to the required number of parking spaces and 20, 12 and 10.75 feet to the required setbacks to permit a mixed use, 40 unit residential/commercial development on the properties located at 317 Allen Street, 326 Shepard Street and the parcels located on the north side of the 1600 block of E. Kalamazoo Street on a finding that the variances are consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application. On a roll call vote, the motion carried unanimously (6-0).

V. **OLD BUSINESS**

VI. **APPROVAL OF MINUTES** – Special Meeting, July 26, 2018

Mr. Leaming made a motion, seconded by Mr. Rice to approve the minutes from the special meeting held on July 26, 2018, as presented. On a roll call vote, the motion carried unanimously (6-0).

VII. **NEW BUSINESS**

A. **Rules of Administrative Procedure**

Ms. Stachowiak said that all of the City Boards and Commissions are reviewing their rules of procedure to make sure that they are up-to-date. She said that the BZA Rules of Procedure have not been updated since the 1960's. Ms. Stachowiak said that the proposed Rules do not change the way the BZA currently conducts its meetings.

Mr. Berryman said that the issue at the last meeting had to do with what constitutes a quorum. He said that Section 5.0 states that five members of the person seating on the BZA shall constitute a quorum for the transaction of business and the taking of official actions. Section 11.0, however, states that any action is by majority votes of those present.

Ms. Stachowiak stated that Section 11.0 is incorrect. She said that a majority of those members serving on the board must vote in favor of a variance in order for it to pass. Ms. Stachowiak said that she would make that correction to the proposed rules.

Mr. Leaming made a motion, seconded by Mr. Iannuzzi to approve the rules of administrative procedure dated July, 2018 with the correction to Section 11.0 regarding a the number of votes constituting a quorum being necessary to approve a variance. On a voice vote, the motion carried unanimously (6-0).

B. Excused Absences

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

VIII. PUBLIC COMMENT

VIII. ADJOURNMENT AT 8:06 P.M.

Respectfully Submitted,

Susan Stachowiak, Zoning Administrator