



Andy Schor
Mayor

**LANSING BOARD OF ZONING APPEALS
SPECIAL MEETING
DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING
Tuesday, August 23, 2022, 6:30 PM
600 W. Maple Street
Neighborhood Empowerment Center – Boardroom**

AGENDA

- I. ROLL CALL**
- II. APPROVAL OF AGENDA**
- III. PUBLIC COMMENT**
- IV. PUBLIC HEARING/ACTION**
 - A. BZA-4077.22, 1506 N. Grand River Avenue - Variances to the building height limitation and the allowable number of stories**
- V. APPROVAL OF MINUTES**
 - A. Regular Meeting June 9, 2022**
- VI. PUBLIC COMMENT**
- VII. 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 BY DIALING (TTY 711).

GENERAL INFORMATION

APPLICANT: Turner-Dodge Development, LLC
40701 Woodward Avenue, Suite 50
Bloomfield Hills, MI 48304

OWNER: Ingham County Land Bank
3024 Turner Street
Lansing, MI 48906

REQUESTED ACTION: Variance to the building height limitation and allowable number of stories

EXISTING LAND USE: Vacant Industrial Building

EXISTING ZONING: "MX-C" Mixed-Use Corridor

PROPERTY SIZE & SHAPE: Irregular Shape – 2.639 acres

SURROUNDING LAND USE: N: Vacant commercial building, City's Turner Dodge Heritage Center
S: Single Family Residential
E: City's Turner Dodge Heritage Center
W: City Park, Industrial operation

SURROUNDING ZONING: N: "MX-C" Mixed-Use Corridor, "DT-1" Suburban Industrial & "R-6A" Urban Detached Residential
S: "MX-1" Neighborhood Mixed-Use Center & "R-6B" Urban Detached Residential
E: "R-6A" Urban Detached Residential
W: "DT-1" Suburban Industrial

MASTER PLAN DESIGNATION: The Design Lansing Master Plan designates the subject property as "Urban Mixed-Use Corridor". N. Grand River Avenue is designated as a neighborhood connector road.

REQUEST

This is a request for variances to permit a 10 story, 135-foot-high building at 1506 N. Grand River Avenue. Section 1243.05.02 of the City of Lansing Zoning Ordinance restricts the height of buildings in the "MX-C" Mixed-Use Corridor district, which is the zoning designation of the subject property, to 5 stories and 60 feet in height. Variances of 5 to the allowable number of stories and 75 feet to building height limitation are therefore, being requested.

Permitted	Proposed	Variance
5 stories	10 stories	5 stories
60 feet	135 feet	75 feet

PROJECT DESCRIPTION

The applicant's proposal involves the construction of a mixed-use, 10-story, 135-foot-high building on the 2.639-acre site located on the east side of N. Grand River, just north of the river. The applicant will also be constructing a surface parking lot on the City owned park property directly across the street on the west side of N. Grand River that will serve both the uses in the proposed building as well as the park. The building will include a parking deck, 168 residential apartment units and 17,400 square feet of commercial space. The project has been submitted to the City for site plan review. The Planning Office, however, cannot approve the site plan for zoning purposes unless the variances are approved. According to the applicant, if the variances are not granted and the building is limited to 5 stories and 60 feet in height, the project will not move forward as it would no longer be financially feasible. There is inadequate room on the site to develop horizontally enough to compensate for the vertical building area that would be lost if the variances are denied.

PRACTICAL DIFFICULTY OR UNNECESSARY HARDSHIP

Sections 1274.06 (c)(1-4) and (e)(1-4) of the Zoning Code set forth the criteria and standards which must be used to evaluate a variance request. Approval of a variance must be based upon a determination by the Board that:

1. There is a unique feature of the property, such as irregular size, shape, or uneven topography, that either prevents compliance with the ordinance or makes it unreasonably difficult; or
2. Denial of the variance would cause an unnecessary hardship on the applicant since the result of the variance will not be contrary to the intent and purpose of the ordinance, will not set a negative precedent for future requests to vary the ordinance standard and will have no negative impacts on surrounding properties.

The proposed mixed-use building is consistent with the future land use for the property being advanced in the City's Master Plan and with the intent and purpose of the "MX-C" Mixed- Use Corridor zoning designation. The applicant bases the need for the variances on the inability to construct a mixed-use building of sufficient size to make the project financially feasible given the constraints associated with the site. As evidenced by the attached plan and zoning map, the site has an irregular shape, is relatively small and is partially located in the 100-year floodplain. The site is too small to increase the footprint of the building (building horizontally) enough to accommodate the amount of commercial space and residential apartment units needed to make the development viable. The only other option is to build vertically which dramatically increases the cost of construction. There are also going to be costs associated with demolition of the existing building and possibly contamination cleanup as well. Given these circumstances, it would be very difficult to develop the property, without variances to the height limitation to allow greater use of the property in order

to finance the construction and the expenses associated with preparing the site for development. Since there are few other properties in the City that share these same circumstances, approval of the variances is not anticipated to set any negative precedents for future requests to vary the building height limitations. There may be some other properties adjacent to the rivers in the City that would also be appropriate for increased building height, but they would need to be evaluated on a case-by-case basis to determine if variances are necessary to accommodate the type of development that fulfills the goal and objective of the Master Plan and Zoning Ordinance.

IMPACT STANDARDS

The Ordinance establishes four standards under Section 1274.06 (e) that must be satisfied relating to the impact of the variance on the surrounding properties and general public. These standards and how 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 proposed building will not negatively impact adjoining or nearby properties, despite being significantly taller than any other buildings in the area. The purpose of height restrictions is to create and maintain a consistent building pattern in order to prevent a situation where the height/scale of one building is much taller and more intensive than a nearby building on an adjoining property, thus casting shadows, impeding views, and diminishing its value, enjoyment and appeal. The subject property is surrounded by the Grand River to the south, City Park property to the north, east and west and industrial land/businesses to the north and west. As evidenced by the attached aerial photograph, there are no buildings in close enough proximity to the site to be negatively impacted by the height of the proposed building. The nearest building is located on the property to the north, and it will be separated from the proposed building by approximately 150 feet.

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 proposed development will have no negative impacts on vehicular or pedestrian traffic in the area. The stretch of N. Grand River Avenue between Willow Street and E. North Street is classified as a neighborhood connector and is designed to carry a relatively high volume of traffic. The City's Transportation Engineer has reviewed and approved the project with the condition that a pedestrian traffic signal with push button is installed at the crosswalk shown on the site plan since a significant amount of the parking for the proposed development will be located on the City owned park property on the west side of Grand River.

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

While the requested variances do not involve eliminating any "nuisances", the proposed building will result in the elimination of a vacant, derelict building that detracts rather than contributes to the area in which it is located. It is also anticipated that the proposed development will be the catalyst for more redevelopment, thus bringing a renewed sense of vitality to the area, consistent with the goals of the Master Plan.

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

The proposed building will not interfere with the appropriate development of the area and will be consistent with the following goals of the Master Plan:

“Capitalize on the urban reach of the Grand River as an asset for economic development and quality of life by encouraging a mix of higher-density residential, office and cultural uses (in combination with ground-level restaurants and retail services) that provide public access and open space.

- **Encourage development densities that take advantage of valuable riverfront land.**
- **Give priority to residential development.**
- Improve/protect river visibility and provide for public access to and along the river.
- Strictly control surface parking.
- Extend the River Trail and provide improved links to neighborhoods and activity centers”

“Old Town (and REO Town and E Michigan Ave) are highly valued by residents. Efforts to enhance the use mix and urban design quality of these traditional centers must continue. Investment in the area is now moving the boundaries of the district outward and will better connect the activity of the area to downtown and the river.”

FINDINGS

This is a request for variances to permit a 10 story, 135-foot-high building at 1506 N. Grand River Avenue. Section 1243.05.02 of the City of Lansing Zoning Ordinance restricts the height of buildings in the “MX-C” Mixed-Use Corridor district, which is the zoning designation of the subject property, to 5 stories and 60 feet in height. Variances of 5 to the allowable number of stories and 75 feet to building height limitation are therefore, being requested.

The available information supports a finding that the request complies with the criteria set forth in the zoning ordinance for evaluating variance applications. More specifically, the variances will allow for development of the subject property in a manner consistent with the intent and purpose of the City’s Master Plan, as described in this report. In addition, the variances will not negatively impact the transportation systems in the area and will not set a negative precedent for future requests of a similar nature.

RECOMMENDATION

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

“I make a motion to approve BZA 4077.22, a request for variances of 5 to the allowable number of building stories and 75 feet to the building height limitation to permit a 10 story, 135-foot-high building at 1506 N. Grand River Avenue, on a finding that the variances are in compliance with the evaluation criteria set forth in Sections 1274.06 (c)(1-4) and (e)(1-4) of the Zoning Ordinance.”

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator



CITY OF LANSING - PLANNING OFFICE
PETITION
BOARD OF ZONING APPEALS

Reset Form

Print Form

FILE NUMBER: BZA-_____

DATE SUBMITTED: _____

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

Street Address (**include zip code**): 1506 North Grand River Avenue, Lansing, MI 48906

Legal Description: LOTS 43 THRU 54 & LOTS 58 THRU 64, W 1/2 LOT 55, W'LY 1/2 LOT 57 & S 1/2 OF VACATED WILLIS AVE FROM E LINE N GRAND RIVER AVE TO A LINE EXT D FROM S'LY MOST COR LOT 13 TO A POINT MIDWAY ON E'LY LINE LOT 57 FRANK L DODGE SUB 2.639 ACRES

Applicant Name: Turner-Dodge Development, LLC

Address (**include zip code**): 40701 Woodward Avenue, Suite 50, Bloomfield Hills, MI 48304

Phone Number: 248-203-9898

Owner Name: Ingham County Land Bank

Owner Address (**include zip code**): 3024 Turner Street, Lansing, MI 48906

Owner Phone: 517-267-5221

Interest in Property (please check one)

☐ Option to buy ☐ Owner ☒ Other (please specify) Purchase Agreement
☐ Leasee ☐ Represent Owner

Is this property in the flood plain?

Zoning of the property: MC-C Mixed Lot dimensions: 385 x 310 ☒ 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): N/A # of accessible on-site parking spaces: N/A

Hours and days / week of operation: N/A

Describe or explain your proposal for this property:

attach a separate sheet if more space is necessary

The property is proposed to be redeveloped into a mixed-use development comprised of 168 residential units and 17,400 ft² of commercial space plus a parking deck. The total height is estimated to be +/- 135 feet. Based on the original zoning of light industrial, there was no height restriction. However, under the Form Based Zoning, although the use is compliant (MX-C Mixed-use Urban Corridor), there is now a height limitation of 5 stories or 60 feet. This project will be a catalyst for additional investment and re-development in the area. Note that the building is not located within the floodplain.

Section # with which this proposal is in conflict: 1243.05.02

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

attach a separate sheet if more space is necessary

The proposed project use is in conformance with the MX-C Mixed Use Urban Core as it provides for both a vertical and horizontal mix of uses with commercial uses on the 1st floor and residential uses on floors 3-9. The development has been designed to activate the river trail and river front to promote walking, biking, use of the riverfront and actual use of the Grand River itself as well as tie together the proposed project, Dodge Park, Dietrich Park and Old Town. Without the requested variance, the proposed project is not financially feasible and cannot move forward.

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:

Single Family Home Improvement:	\$160.00
Other appeals by acreage:	
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.

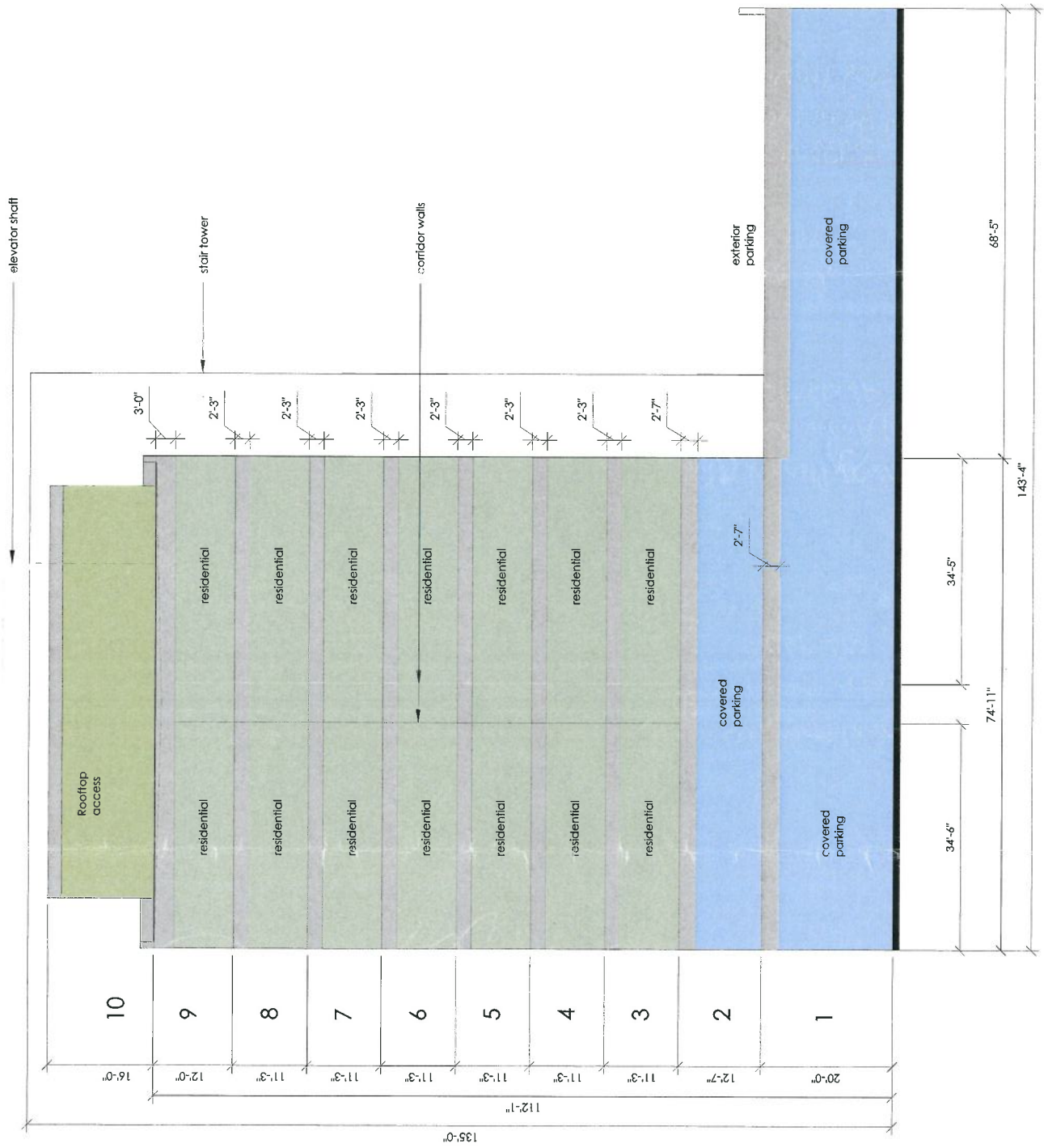
Please file this petition with the Planning Office.

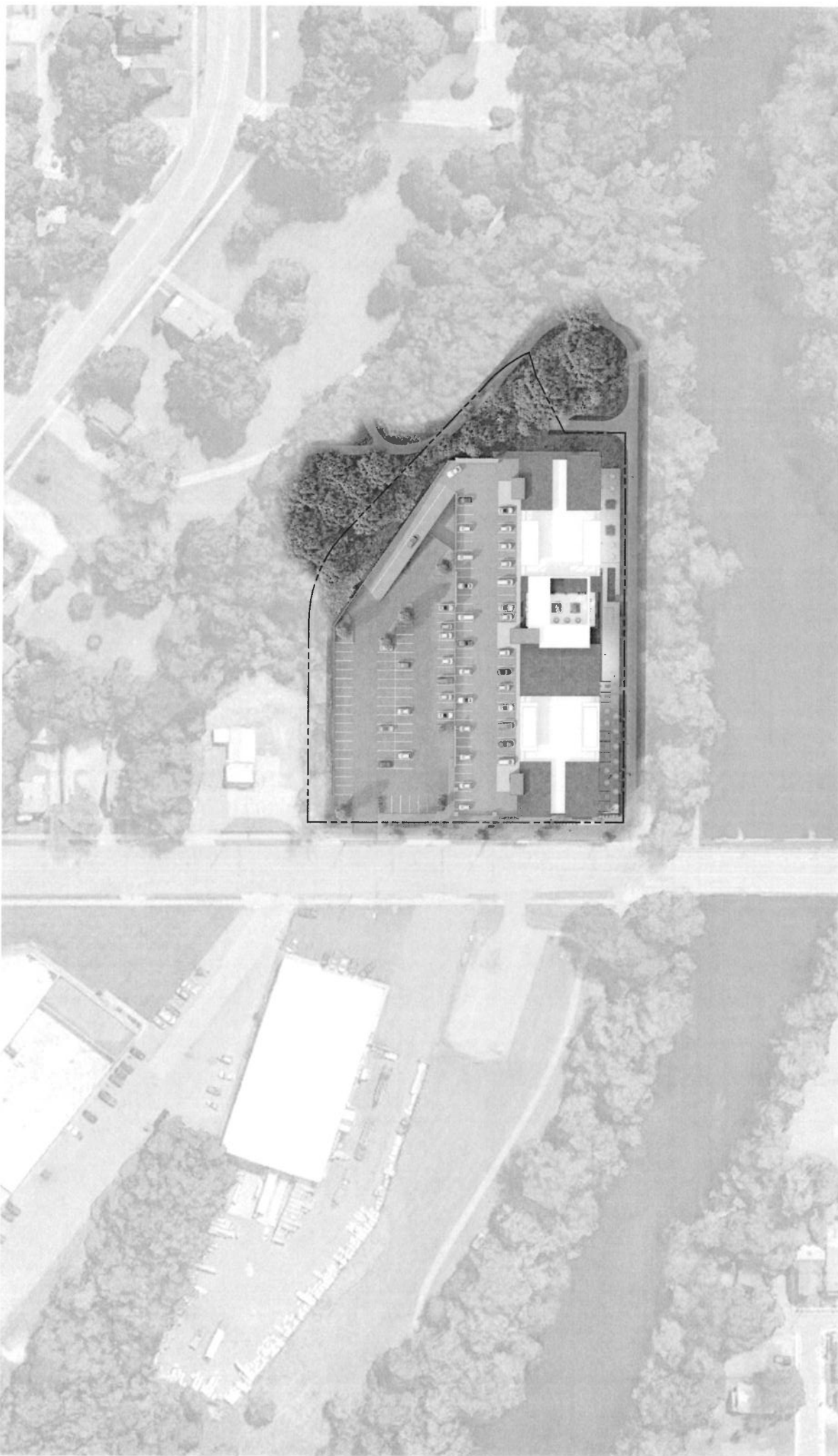
Signature of applicant: _____

Name: Nicholas G. Maloof, Authorized Agent

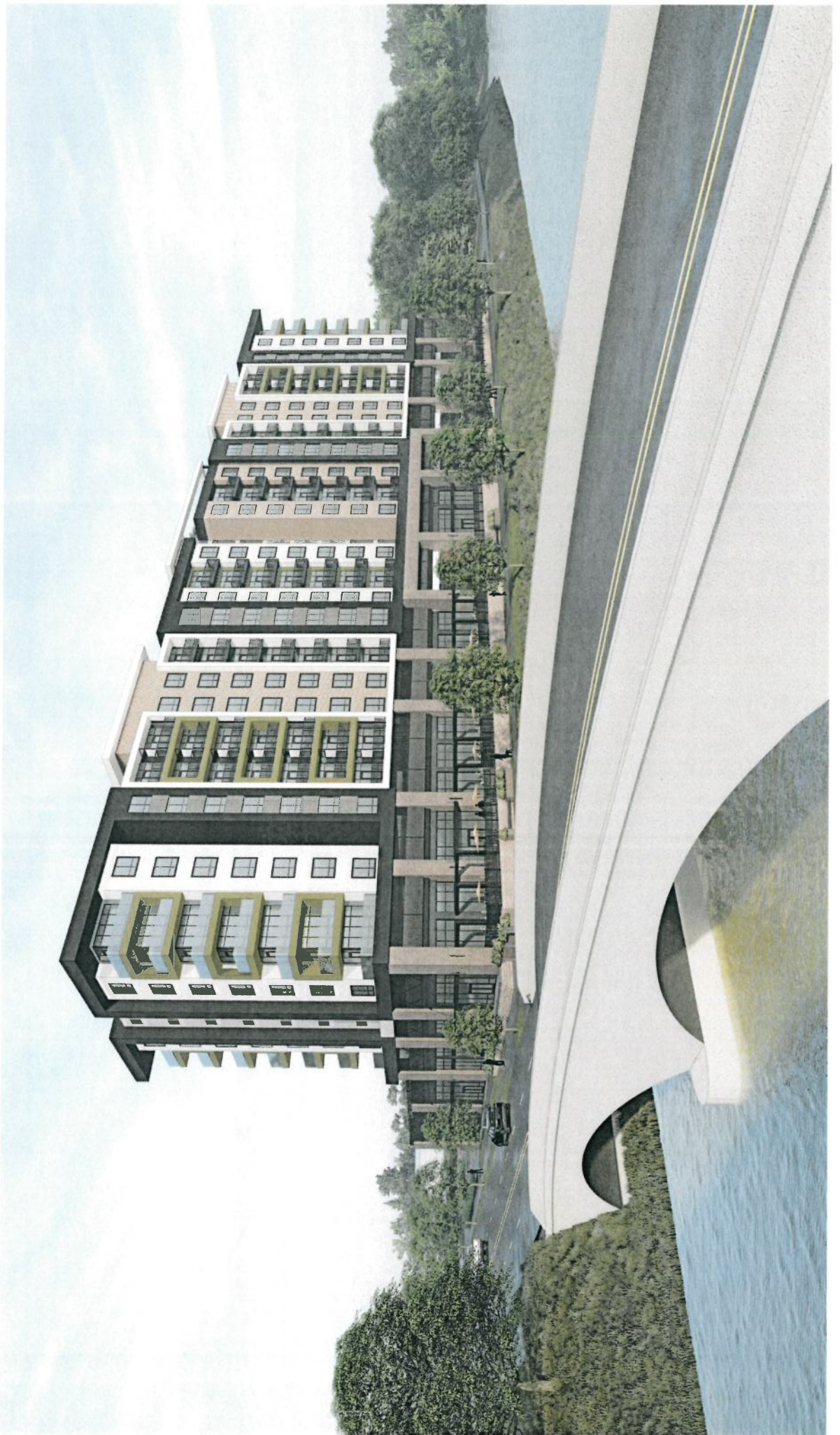
For assistance, please contact:

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







































CONTRACTOR SHALL NOTIFY ALL EMPLOYERS PRIOR TO ORDERING MATERIALS.

STRESS SPECIES SHALL BE CONTRIBUTED IN ACCORDANCE WITH CITY OF LANSING STANDARDS. CONTRACTOR SHALL NOTIFY CITY OF LANSING SEWER PERMIT PRIOR TO CONSTRUCTION.

CONTRACTOR SHALL OBTAIN CITY OF LANSING SEWER/STORMWATER PERMIT PRIOR TO CONSTRUCTION OF ANY SIDEWALK/DRIVEWAY/CURB AND OUTLET WITHIN THE PUBLIC RIGHT-OF-WAY.

CONTRACTOR SHALL OBTAIN CITY OF LANSING APPROVAL FOR ALL TRAFFIC CONTROL WITHIN THE ROAD RIGHT-OF-WAY.

CONTRACTOR SHALL OBTAIN CITY OF LANSING ROAD USE PERMIT PRIOR TO CONSTRUCTION.

CONTRACTOR RESPONSIBLE FOR OBTAINING ALL PERMITS. INCLUSIVE FEES PRIOR TO WORK.

TRAFFIC CONTROL SHALL BE IN ACCORDANCE WITH THE

PAVEMENTS SHALL BE STANDARD DUTY PAVEMENT SECTION, ACCEPT AS OTHERWISE SPECIFIED.

ENTIRE PAVEMENT SHALL BE MOOT MIXTURE 13A.

AGGREGATE BASE SHALL BE MOOT 21A. AGGREGATE BASE SHALL BE COMPACTED TO 95% MAXIMUM DENSITY.

SUBBASE SHALL BE MOOT TYPE II GRANULAR MATERIAL COMPACTED TO 95% MAXIMUM DENSITY.

CONCRETE IE:

- CONCRETE CURB AND GUTTER SHALL BE MOOT TYPE F4, EXCEPT AS OTHERWISE SPECIFIED.
- CONCRETE SIDEWALKS SHALL BE 4" THICK, EXCEPT AS

PLACE 1/4 INCH EXPANSION JOINT AT ALL CONCRETE TO CONCRETE INTERFACE AND CONCRETE TO BUILDING INTERFACE.

STANDARD PARKING LOT SPACES SHALL BE WHITE. ADA PARKING SPACES SHALL BE BLUE.

LAWN-AREAS SHALL BE PREPARED WITH 3" TOPSOIL SURFACE, SEEDED, MULCHED, AND FERTILIZED, PRIOR TO PLACING TOPSOIL. THE UNDERLYING MATERIALS SHALL BE LOOSENEED TO

SEED WITHIN DETENTION BASIN SHALL BE CARGO NEW STORM WATER MIX. ALL OTHER LAWN AREAS TO BE MOOT MIX THEM

BICYCLE RACKS SHALL BE BELSON OUTDOORS, LLC S-HUMP WAVE STYLE IN GROUND MOUNT BIKE RACKS (MODEL BKWS11C-2389) OR APPROVED EQUAL. COLOR TO BE BLACK.

BY ORANGE.

GRAPHIC SCALE

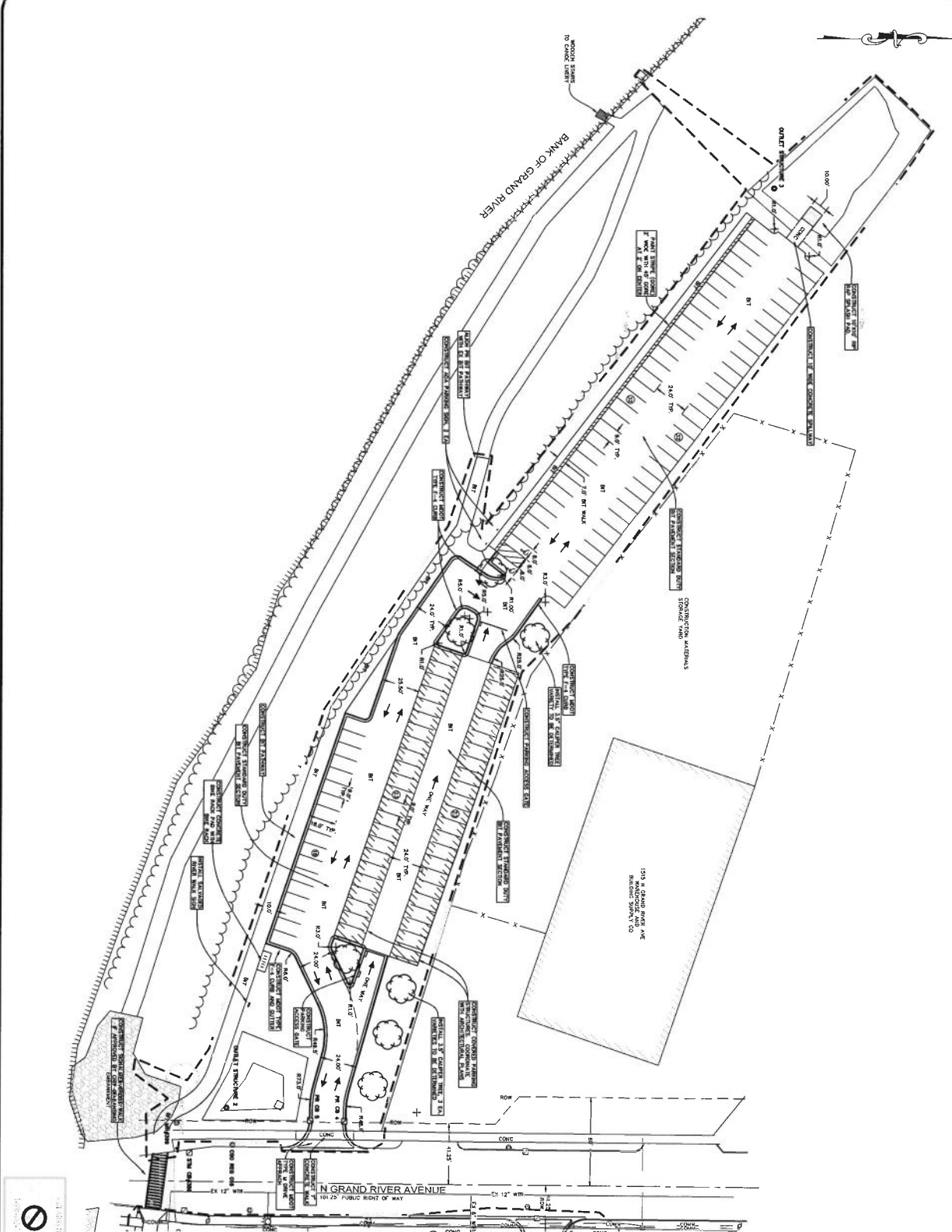
(IN FEET)
1 inch = 20 ft.

REVISIONS



PH: (517) 853-7866
NXT COMMERCIAL: THE LOFTS

P.O. BOX 3564
PLYMOUTH, MI 48170
734-341-3700



GENERAL NOTES:

- CONTRACTOR SHALL VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF DETROIT.
- CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
- CONTRACTOR SHALL OBTAIN CITY OF DETROIT APPROVAL FOR ALL TRAFFIC CONTROL WHEN THE ROAD RIGHT-OF-WAY IS AFFECTED.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF DETROIT.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF DETROIT.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF DETROIT.

RESTORATION:

- CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING ALL AREAS AFFECTED BY CONSTRUCTION TO ORIGINAL CONDITION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING ALL AREAS AFFECTED BY CONSTRUCTION TO ORIGINAL CONDITION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING ALL AREAS AFFECTED BY CONSTRUCTION TO ORIGINAL CONDITION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING ALL AREAS AFFECTED BY CONSTRUCTION TO ORIGINAL CONDITION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING ALL AREAS AFFECTED BY CONSTRUCTION TO ORIGINAL CONDITION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING ALL AREAS AFFECTED BY CONSTRUCTION TO ORIGINAL CONDITION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING ALL AREAS AFFECTED BY CONSTRUCTION TO ORIGINAL CONDITION.

GRAPHIC SCALE

1 inch = 20' ft.

REVISIONS

NO.	DATE	DESCRIPTION
1	05-19-2023	ISSUED FOR PERMIT

ENGINEERING

1210 N. GRAND ST. SUITE 8
DETROIT, MI 48207
TEL: (313) 553-7865
FAX: (313) 553-7866

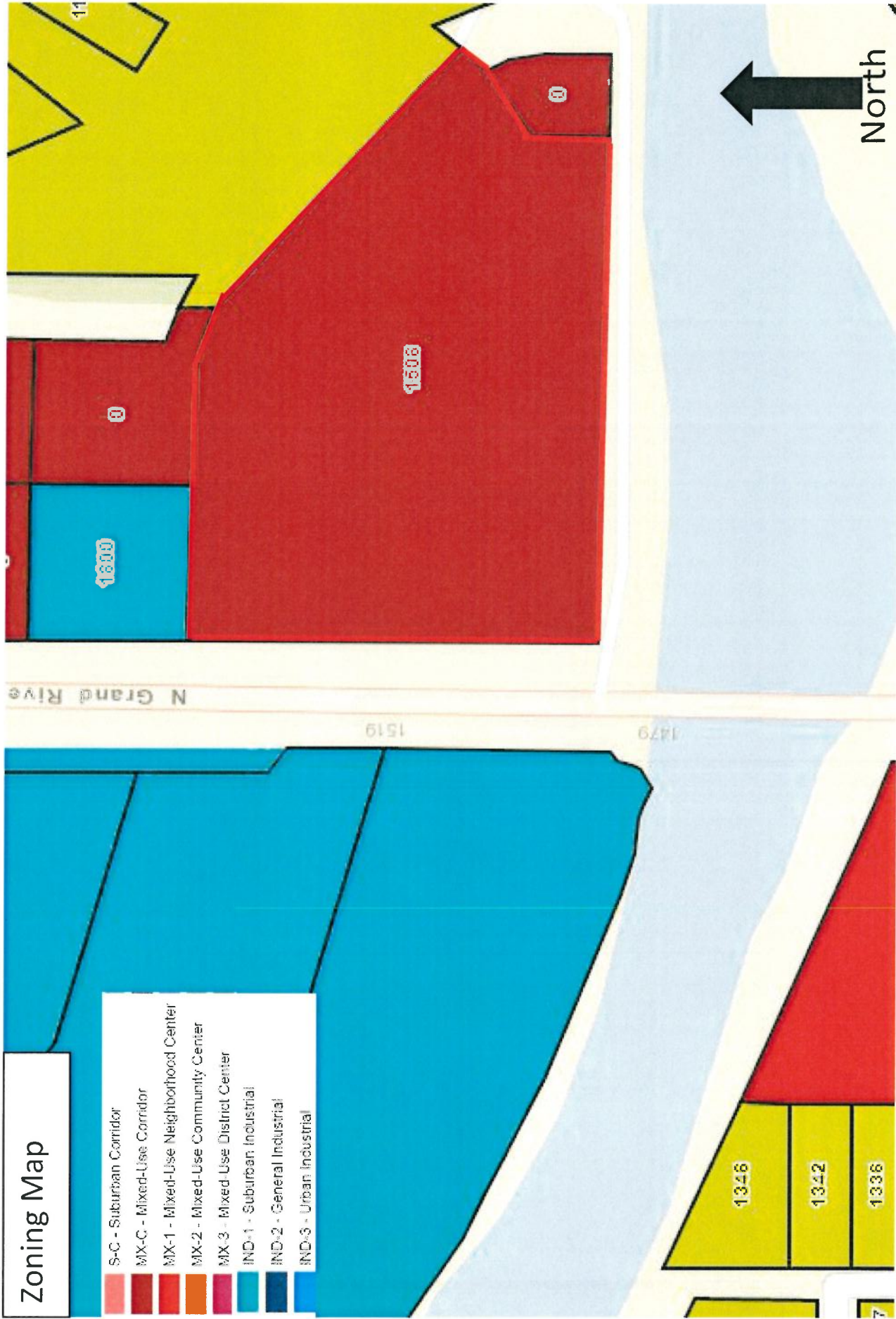
NKT COMMERCIAL - THE LOFTS

CML - LAYOUT DETROIT PARK

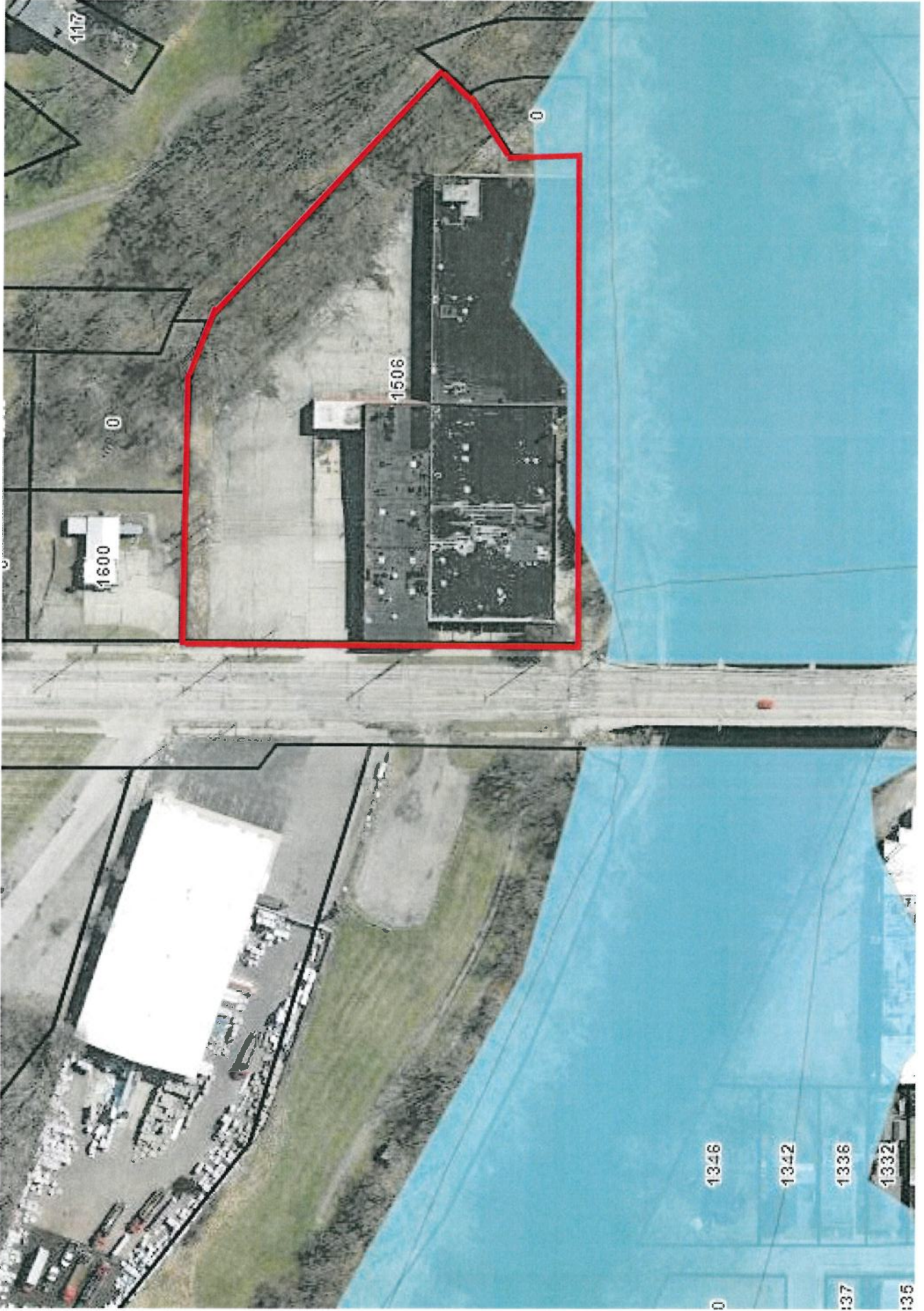
SCALE: 1" = 20'
DATE: 05-19-2023
SHEET: 5 OF 15

Zoning Map

- S-C - Suburban Corridor
- MX-C - Mixed-Use Corridor
- MX-1 - Mixed-Use Neighborhood Center
- MX-2 - Mixed-Use Community Center
- MX-3 - Mixed-Use District Center
- IND-1 - Suburban Industrial
- IND-2 - General Industrial
- IND-3 - Urban Industrial



North



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

I. ROLL CALL

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

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

Absent: M. Solak

Staff: S. Stachowiak

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

II APPROVAL OF AGENDA

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

III. PUBLIC COMMENT

IV. PUBLIC HEARING/ACTION

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

Ms. Stachowiak stated that this is a request by Bruce Hicks for a variance to the parking requirement to allow the building at 109 E. Randolph Street to be used for a state-licensed adult foster care, large group home for the aged (up to 20 residents). Section 1254.01.03 of the City of Lansing Zoning Ordinance requires 10 parking spaces for the proposed group home. There are no parking spaces on the subject property. A variance of 10 to the required number of parking spaces is therefore, being requested. Ms. Stachowiak stated that the staff recommendation is to approve the variance on a finding that the request complies with the variance evaluation criteria listed in Sections 1274.06 (c) & (e) of the Zoning Ordinance.

Ms. Stachowiak said that the building on the subject property has historically been used as a convent for 17 nuns. She said that at one time it would have been located on the same property as the church to its west. Somewhere along the line, it was split off and became its own parcel of land although the church continued to allow the nuns to utilize

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

Ms. Alling opened the public hearing.

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

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

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

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

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

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

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

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

V. OLD BUSINESS

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

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

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

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

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

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

VI. NEW BUSINESS

A. Excused Absences

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

VII. APPROVAL OF MINUTES

A. Regular Meeting, January 13, 2022

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

VIII. PUBLIC COMMENT

IX. ADJOURNMENT AT 7:32 p.m.

Respectfully Submitted,

Susan Stachowiak, Zoning Administrator