



Andy Schor
Mayor

**LANSING BOARD OF ZONING APPEALS
REGULAR MEETING
DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING
Thursday, March 14, 2024, 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-4082.24, 3218 S. Cambridge Road, Variances to permit a circular driveway in the front yard**
- V. OLD BUSINESS**
- VII. NEW BUSINESS**
- VI. APPROVAL OF MINUTES**
 - A. Regular Meeting, February 8, 2024**
- 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 BY DIALING (TTY 711).

GENERAL INFORMATION

APPLICANT/OWNER: Mark & Matthew Clouse
3218 S. Cambridge Road
Lansing, MI 48911

REQUESTED ACTION: Variances to permit a circular driveway in the front yard at 3218 S. Cambridge Road.

EXISTING LAND USE: Single Family Residential

EXISTING ZONING: "R-1" Suburban Detached Residential

PROPERTY SIZE & SHAPE: Irregularly Shaped Lot - (.405 acres)

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

SURROUNDING ZONING: N: "R-1" Suburban Detached Residential
S: "R-1" Suburban Detached Residential
E: "R-1" Suburban Detached Residential
W: "R-1" Suburban Detached Residential

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

ANALYSIS

This is a request for variances to Sections 1254.01.17 (a)(1)(a.) & (b)(2) of the Zoning Ordinance to permit parking in the front yard on a new, second (circular) driveway at 3218 S. Cambridge Road. These Sections permit one driveway on a single-family residential parcel of land and restricts parking within a front yard to the one permitted driveway.

Permitted	Proposed
1 driveway	2 driveways
Parking on one driveway in a front yard	Parking on 2 driveways in a front yard

ANALYSIS

Practical Difficulty or Hardship

The basis for the applicant's request is to provide parking on the site that is more convenient and safer for guests; particularly those with mobility issues. As evidenced by the attached site plan and aerial view, the house is situated almost 60 feet from the street, making it a fairly long distance to walk, especially during times of inclement weather. In addition, the straight-back curb along the street prevents guests who require use of a wheelchair from accessing the sidewalk that leads from the street to the front door of the house. The other concern expressed by the applicant is that the curvature of the street limits sight lines for motorists to react to persons entering or exiting vehicles after dark.

Given the nature of this request, the issue of whether there is a "practical difficulty" associated with the property that prevents compliance with the ordinance or makes it unreasonable difficult is not applicable. For the variances to be approved in this case, the Board must find that the proposed circular driveway would be consistent with the intent of the ordinance and therefore, denial of the variances would place an unnecessary hardship on the applicant. In other words, a finding that the variances would not set a negative precedent for future requests of a similar nature since it based upon unique circumstances that preserve the intent of the ordinance standards.

Several criteria are described in Section 1274.06(c)(1-4) for the Board to consider in determining the adequacy of a practical difficulty or unnecessary hardship:

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 complies with the first criterion as the variances are directly related to the ordinance which permit one driveway on a single-family residential parcel of land and restricts parking within a front yard to the one permitted driveway. With respect to the second criterion, the issues that form the basis for the applicant's request cannot be considered self-created hardships. The applicant had no control over the placement of the house of the lot, the curvature of road and the lack of barrier-free access from the road to the front door of the house. The house on the subject property was built in 1957 and the applicant purchased it in 2023.

The third criterion relates to whether there is something unique about the request that would allow the variances to be approved while still upholding the intent of the ordinance. The ordinance restrictions on driveways and front yard parking are intended to:

- * Preserve the streetscape and neighborhood character by preventing excessive parking in front yards.
- * Preserve green space along roadways for aesthetic purposes and to reduce the amount of run-off into the public sewer system.
- * Avoid conflicts with vehicles backing out of driveways.

- * Create a safer environment for pedestrians on the public sidewalk.

A case can be made that the proposed circular driveway would not be contrary to the intent of the ordinance as described above.

- * In most residential zoning districts, the minimum width for new lots is 40 feet. The majority of the existing residential lots in the City have widths that range between 33 and 60 feet and each one is permitted its own driveway. The result in many cases is 4 driveways within the span of 120 feet of road frontage. The applicant's property has 232 feet of road frontage and, if the circular driveway is approved, the result would be 3 curb cuts within that span. If this lot were to be platted at the minimum required lot width of 40 feet, 6 driveways would be permitted.

Attached is an aerial view that identifies the location of the properties in the area that currently have a circular driveway in the front yard. The neighborhood in which the subject property is located has the largest lot sizes, in general, of any neighborhood in the City of Lansing which is why so many circular driveways have been permitted over the years under old ordinances. The majority of the homes in the area also have much greater setbacks than most other residential areas so the vehicles that are parked in the circular driveways are setback far enough that they do not have any negative impacts on the streetscape.

- * The site has a very large front yard and the amount of new impervious surface that would be added for the driveway is negligible and will have no negative impacts on the sewer system or the appearance of the site. The overwhelming majority of the front yard will still be green space.
- * The proposed driveway is only 12 feet wide (1-way) and since it will be a circular driveway, it will not generally involve backing out onto the street.
- * There are no sidewalks along S. Cambridge Road and since the driveway will be accessed by driving in and out (not backing up) it will not impact the safety of pedestrians walking on the street.

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 1274.06 (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.**

As evidenced by the attached aerial view, there are numerous circular driveways that already exist in the front yards of other properties in the vicinity of the subject property. Allowing a variance to permit the circular driveway at 3218 S. Cambridge, particularly given the amount of street frontage that the property consumes, will not impact the appropriate and orderly development of the area and nor will it set a negative precedent for future requests of a similar nature.

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.**

Approval of the variances will have no negative impacts on vehicular or pedestrian traffic.

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

The proposed variances 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.

FINDINGS

This is a request for variances to Sections 1254.01.17 (a)(1)(a.) & (b)(2) of the Zoning Ordinance to permit parking in the front yard on a new, second (circular) driveway at 3218 S. Cambridge Road. These Sections permit one driveway on a single-family residential parcel of land and restricts parking within a front yard to the one permitted driveway.

The available information supports a finding that the requested variances comply with the applicable criteria listed in Sections 1274.06 (c) and 1274.06 (e) of the Zoning Ordinance.

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 4082.24 , variances to Sections 1254.01.17 (a)(1)(a.) & (b)(2) of the Zoning Ordinance to permit parking in the front yard on a new, 12-foot wide, second (circular) driveway at 3218 S. Cambridge Road, on a finding that the request complies with the variance evaluation criteria listed in Sections 1274.06 (c) & (e) of the Zoning Ordinance."

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

3218 S. Cambridge Road

Lansing, Michigan 48911

3218 S. Cambridge Road (Lot 26 Westchester Subdivision) is an unusually shaped lot. It is basically pie shaped – with its entire frontage on a curved portion of S. Cambridge. As the attached survey shows – the lot most like a “corner” lot – but without two street frontages.

The house was constructed with an “end load” garage. The original walkway to the front door was only from the street (see survey for detail).

Our request is to allow for a circle driveway in the front of the house (see Driveway Concept plan for detail). This will allow our guests to enter into the front door of the house – which has only one small step and is the most handicap assessable entrance into our home.

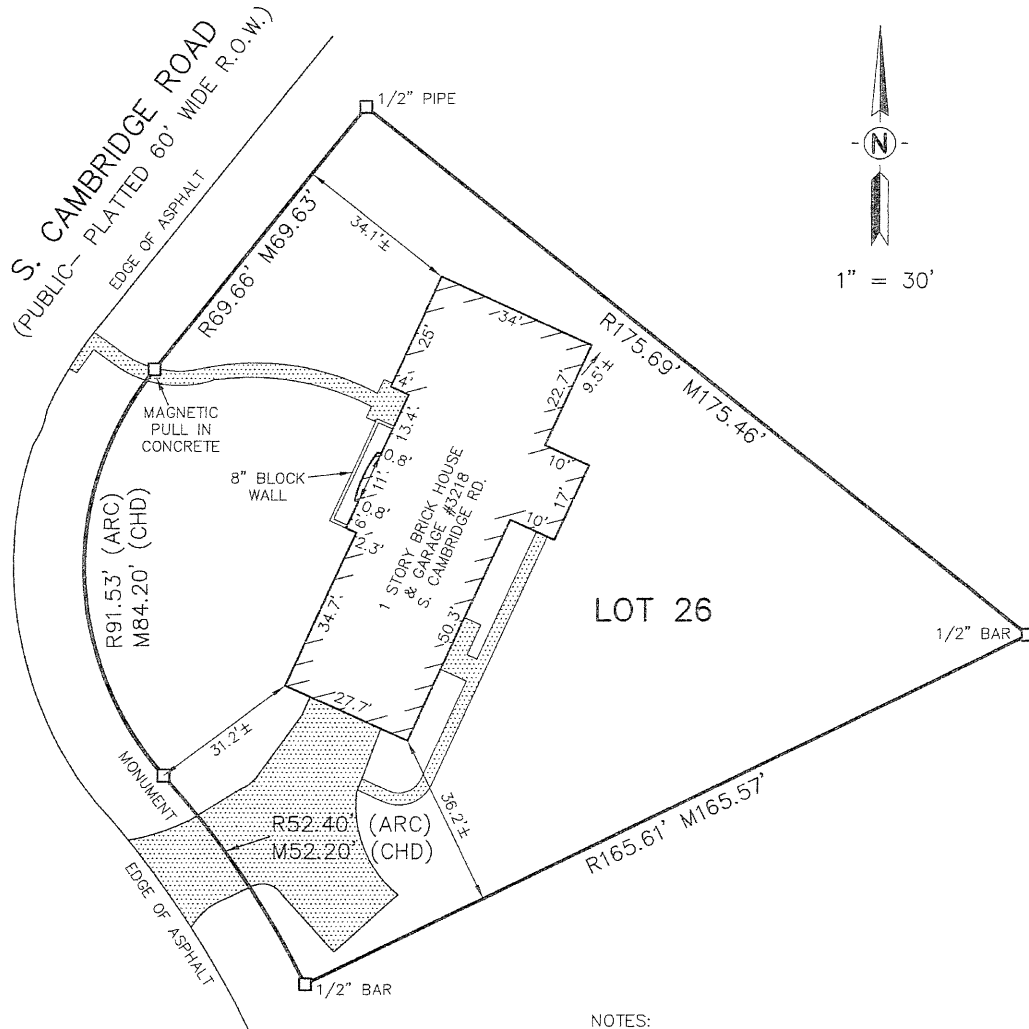
Parking on the street is difficult due to its curved nature – and for those who require a wheelchair or walker – negotiating the extremely uneven road conditions and the curb – makes it even more dangerous. Allowing the single lane circle drive will provide guests with a safer, easier to negotiate, entrance to our home.

LOT SURVEY

For:
Mark Clouse & Matthew Clouse

Survey Address:
3218 S. Cambridge Road
Lansing, MI 48911
Tax ID: 33-01-01-19-451-051

Legal Description (as provided): Lot 26, Westchester, Lansing Township (now City of Lansing), Ingham County, Michigan, according to the recorded plat thereof, as recorded in Liber 14 of Plats, Page 45, Ingham County Records.



NOTES:
1. EASEMENTS, IF ANY, NOT SHOWN

I hereby certify only to the parties hereon that we have surveyed, at the direction of said parties, the above described lot, and that we have found or set, as noted hereon, permanent markers to all corners of said lot and that all visible encroachments of a permanent nature upon said lot are as shown on this survey. Said lot subject to all easements and restrictions of record.

- R = Recorded Distance
- M = Measured Distance
- = Distance Not to Scale
- = Deed Line
- = Set 1/2" Bar with Cap
- = Found Iron as Noted
- ▨ = Concrete, Asphalt, Deck, and Porch
- *** = Fence
- 0.0'± = Denotes Distance to the Survey Line



KEBS, INC. KYES ENGINEERING
BRYAN LAND SURVEYS

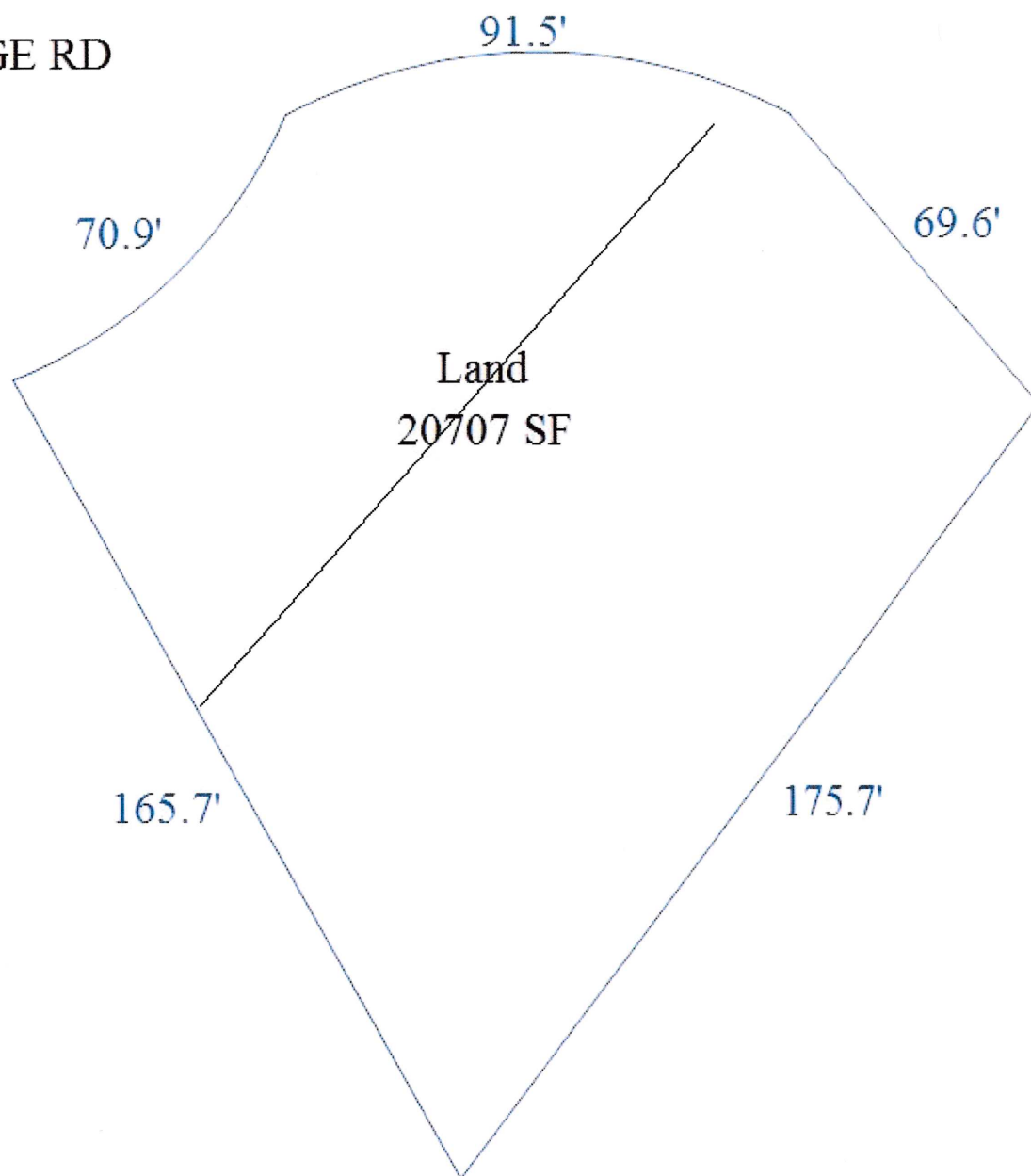
2116 HASLETT ROAD, HASLETT, MI 48840
PH. 517-339-1014 FAX. 517-339-8047

13432 PRESTON DRIVE, MARSHALL, MI 49068
PH. 269-781-9800 FAX. 269-781-9805

DRAWN BY	AN	SECTION	19, T4N, R2W
FIELD WORK BY	NW/MR	JOB NUMBER:	101707.LOT
SHEET	1 OF 1		

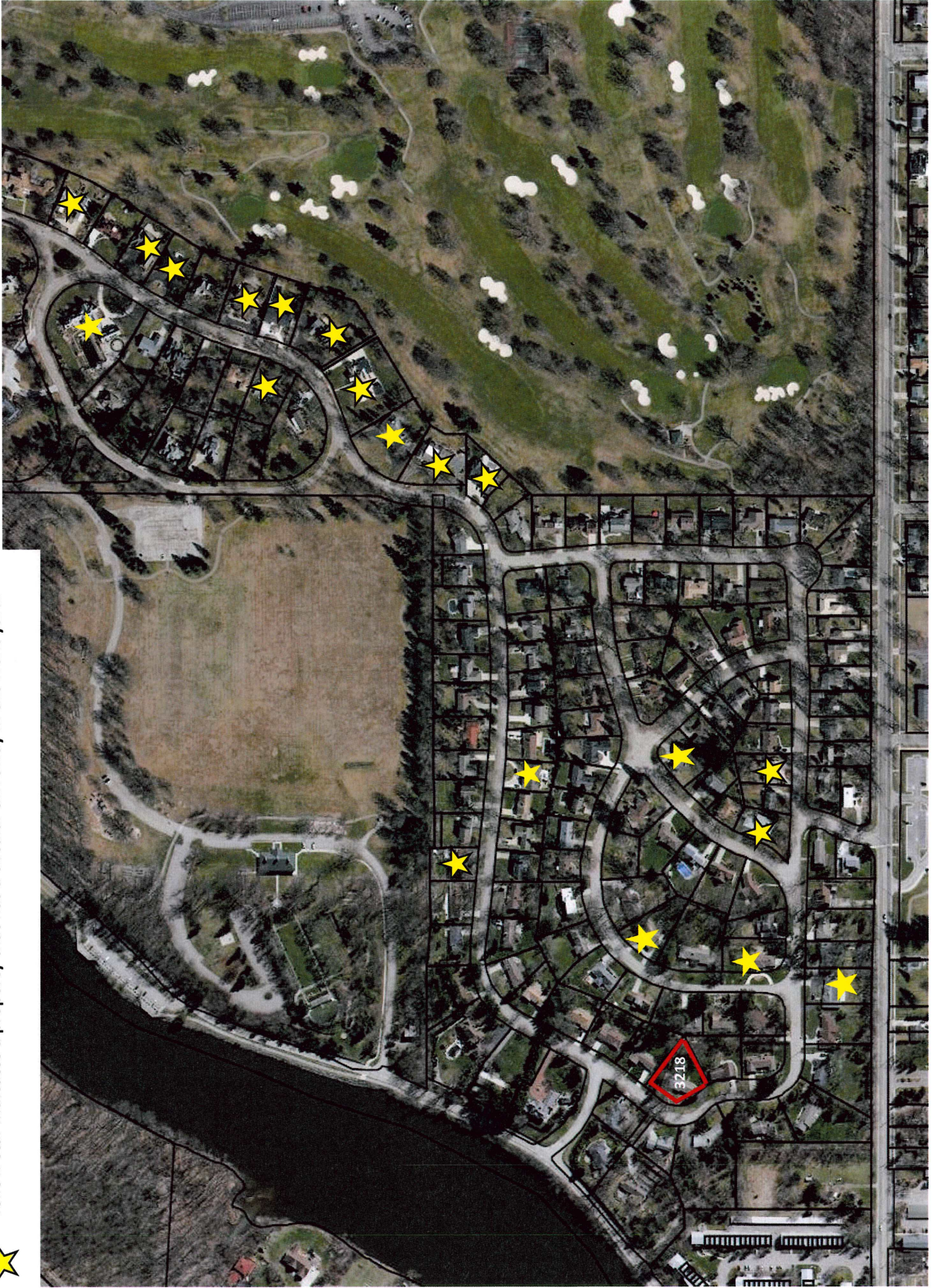
ERICK R. FRIESTROM DATE
PROFESSIONAL SURVEYOR NO. 53497

CAMBRIDGE RD

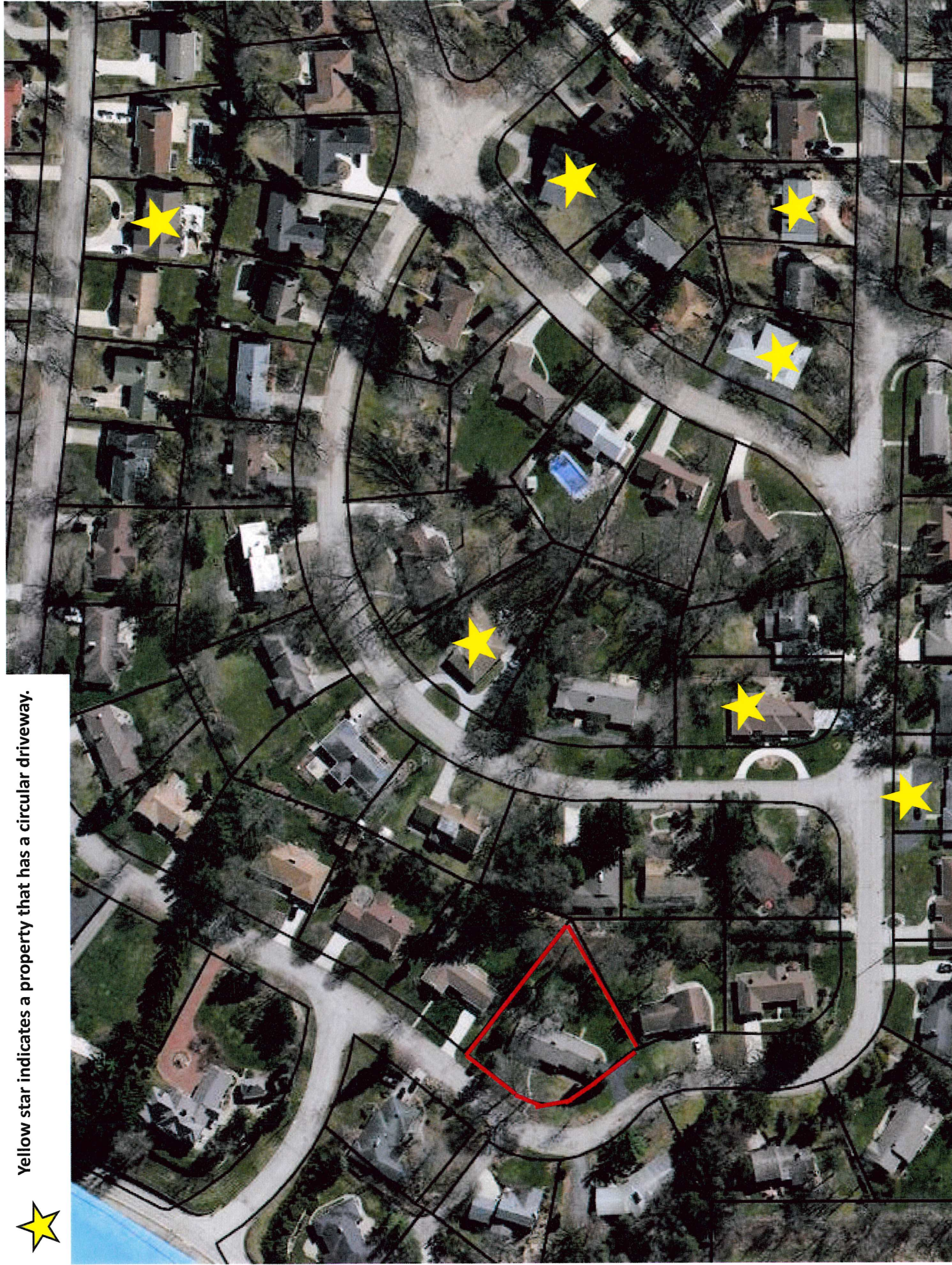




Yellow star indicates a property that has a circular driveway in the front yard.



Yellow star indicates a property that has a circular driveway.







Google

**MINUTES OF REGULAR MEETING
BOARD OF ZONING APPEALS
Thursday, February 8, 2024, 6:30 P.M.
600 W. Maple Street, Lansing, MI 48906**

I. ROLL CALL

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

Present: M. Alling, C. Iannuzzi, J. Leaming, M. Jackson & H. Lowry

Absent: B. Fryling (excused, Emily Jefferson, (excused) K. Berryman, M. Rice (excused)

Staff: S. Stachowiak

A quorum of at least 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. Jackson 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 - None

IV. PUBLIC HEARING/ACTION

A. BZA-4082.23, 2002 N. Larch Street- Variance to the setback requirement for a new ground pole sign.

Ms. Stachowiak stated that this is a request by Aver Sign Company for a variance to the setback requirement to permit a new, 24.4 foot high, 129.5 square foot free-standing sign at 2002 N. Larch Street (Quality Dairy) that would have a setback of 8.27 feet at its nearest point to the front property line. Section 1442.12(h)(5)(b) of the Sign Ordinance requires a setback of 26 feet for a freestanding sign of these dimensions. A variance of 17.73 feet to the required setback is therefore, being requested. Ms. Stachowiak stated that the staff recommendation is to approve the requested variance based upon the layout of the property which prevents the applicant from being able to construct a freestanding sign of reasonable dimensions in compliance with the required setbacks without interfering with on-site vehicular circulation. She also stated that the sign will not interfere with visibility at the Lake Lansing/N. Larch Street intersection as there will be 7.2 feet of clearance between the lowest edge of the proposed sign and the ground below and even at its nearest point, the sign will be located more than 15 feet from the actual roadways.

Ms. Stachowiak stated the subject property is the site of a Quality Dairy store, multi-tenant commercial building and recently constructed gasoline station. She said that there have been 3 ground signs on the property, 2 of which have already been removed. The new sign is primarily intended to advertise the gas station/gas prices but also includes space for the other businesses on the site. Ms. Stachowiak said that the applicant's proposal results in reducing the number of ground signs on the property from 3 to 2, as permitted by the Sign Ordinance, thus eliminating a nonconformity. She also said that reducing the number of signs is consistent with the primary intent of the Ordinance which is to improve the appearance of the City's commercial corridors by eliminating visual clutter while allowing enough signage to adequately identify businesses.

Ms. Alling opened the public hearing.

Jesse Martin, 111 W. Mt. Hope Avenue, representing Quality Dairy, spoke in support of the requested variance. He stated that Quality Dairy has as made a substantial investment in the property and is currently in the process of renovating the multi-tenant building to attract new businesses.

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

Mr. Leaming stated that he is supportive of the requested variance as it makes sense based upon the layout of the site.

Mr. Leaming made a motion, seconded by Mr. Lowry to approve BZA 4081.23 for a variance of 17.73 feet to the required 26-foot setback to permit a 24.4 foot high, 129.5 square foot ground sign at 2002 N. Larch Street that would have a setback of 8.27 feet at its nearest point from the front property line, in the location shown on the site plan attached to this staff report, based on a finding that the requested variance complies with the applicable criteria listed in Sections 1274.06 (c) and 1274.06 (e) of the Zoning Ordinance.

On a roll call vote, the motion carried (5-0).

V. OLD BUSINESS - None

VI. NEW BUSINESS

A. Excused Absences

Mr. Leaming made a motion, seconded by Mr. Jackson to approve excused absences for Mr. Fryling, Mr. Berryman, Mr. Rice and Ms. Jefferson. On a voice vote, the motion carried unanimously (5-0).

VII. APPROVAL OF MINUTES

A. Regular Meeting, September 13, 2023

Mr. Jackson made a motion, seconded by Mr. Iannuzzi to approve the September 14, 2023, meeting minutes, as presented. On a voice vote, the motion carried unanimously (5-0).

VIII. PUBLIC COMMENT - None

IX. ADJOURNMENT AT 6:45 p.m.

Respectfully Submitted,

Susan Stachowiak, Zoning Administrator