



Andy Schor
Mayor

**LANSING BOARD OF ZONING APPEALS
REGULAR MEETING
DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING**

Thursday, June 13, 2024, 6:30 PM

**316 N. Capitol Avenue, Suite C-1 (1st Floor, N. Capitol Parking Ramp)
Lansing, MI 48837 – Building Safety Office Conference Room**

AGENDA

- I. ROLL CALL**
- II. APPROVAL OF AGENDA**
- III. PUBLIC COMMENT**
- IV. PUBLIC HEARING/ACTION**
 - A. BZA-4085.24, 425 Shepard Street, Variance to Section 1254.01.08(a) of the Zoning Ordinance to permit a gravel parking space.**
 - B. BZA-4086.24, 128 Regent Street (vacant lot), Variances to the architectural requirements of Section 1246.04.01 of the Zoning Ordinance for a new single family residential dwelling.**
- V. OLD BUSINESS**
- VII. NEW BUSINESS**
- VI. APPROVAL OF MINUTES**
 - A. Regular Meeting, April 11, 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: William Parsley
425 Shepard Street
Lansing, MI 48912

REQUESTED ACTION: Variance to permit a gravel parking space in the side yard at 425 Shepard Street

EXISTING LAND USE: Single Family Residential

EXISTING ZONING: "R-6A" Urban Detached Residential

PROPERTY SIZE & SHAPE: Rectangular lot – 42' x 127.4' = 5,351 square feet
The applicant also owns the adjoining, vacant lot to the south that is 57' x 127.4' = 7262 square feet.

SURROUNDING LAND USE: N: Single Family Residential
S: Vacant
E: Single Family Residential
W: Office/Laboratory (Neogen Corporation)

SURROUNDING ZONING: N: "R-6A" Urban Detached Residential
S: "R-6A" Urban Detached Residential
E: "R-6A" Urban Detached Residential
W: "MX-1" Neighborhood Mixed-Use Center

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

REQUEST

This is a request for a variance to permit a gravel parking space in the side yard (next to the paved driveway) at 425 Shepard Street. Section 1254.01.08(a) of the Zoning Ordinance requires all parking spaces and access drives to be hard surfaced with cement or asphalt.

Required	Proposed
Concrete or asphalt	Gravel/patio stones

BACKGROUND INFORMATION

On March 5, 2024, a City Code Enforcement Officer issued a violation correction notice (see attached Exhibit D) to the owner of 425 Shepard Street regarding a pick-up truck that was parked on a gravel parking space next to the paved driveway at this location. The owner was given 14 days to have the violation corrected. When the officer inspected the site after the 14-day compliance deadline and found that the vehicle was still parked on the gravel surface, a second notice was issued on April 16, 2024, by placing a tag on the vehicle (see attached) informing the owner that the vehicle would be towed if not removed from the gravel area within 24 hours. When the officer reinspected the property after the 24-hour compliance period, the vehicle had not been moved and it was then towed from the property and impounded by the City. Just prior to the vehicle being towed, the owner placed patio stones over the gravel (see attached photograph), assuming that it would satisfy the requirement for parking on a hard surfaced area. He was then informed that patio stones do not meet the requirement for parking on a cement or asphalt surface, as required by ordinance. Patio stones/block are made for and intended to be used as a walking surface, not for vehicle parking.

The information provided by the applicant states that if he is not able to park a vehicle on the gravel parking space, his vehicle would need to be parked in the street and that would take up a parking space that would otherwise be available for visitors to the local farmer's market.

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. In short, 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 applicant asserts that the gravel parking space has been in existence since 1926, and is thus, considered legally nonconforming (grandfathered-in). In order for it to be legally nonconforming, the gravel parking would have had to have been lawfully installed prior to the effective date of the current ordinance (2021). All of the City Zoning Ordinances that have been in effect since 1951 have required hard-surfaced parking spaces and access drives. There is no evidence to support the assertion that the gravel parking space on the subject property lawfully existed prior to that date.

The applicant also asserts that the gravel parking space should be permitted under the terms of Section 1254.01.08 (a) & (b) as follows:

- “(a) Except as provided for in subsections (b) and (c) hereof, off-street parking and loading areas, including access drives, shall be hard surfaced with either Portland cement or asphalt.

- (b) An alternative surface, including, but not limited to, gravel, may be approved by the Zoning Administrator, if circumstances exist which justify the alternative surface, and if the City Engineer believes the alternative surface will not result in an unreasonable amount of sediment being deposited in the sewers, and so long as the alternative surface is maintained in a dust-controlled condition.
- (c) A lot used temporarily for off-street parking may be surfaced with gravel, so long as the temporary use does not extend for more than two years, and so long as the surface is maintained in a dust-controlled condition.”

There have been no instances on residential parcels of land where gravel has been approved as an alternative parking surface under the above referenced ordinance provisions. The use of gravel could only be approved if there were unique circumstances relative to a particular property that warranted the alternative surface. This is the same standard that would need to be met in order for the Board to grant a variance. In this case, there is nothing unique about the subject property that warrants administrative approval or a variance for the gravel parking. The ordinance would allow the area where the gravel is located to be surfaced with solid concrete or asphalt to make it a legal parking space. The access to the space would also have to be surfaced with concrete or asphalt (cannot drive over the lawn). Also, the paved driveway on the site as it currently exists is deep enough to accommodate at least 3 vehicles parked in tandem. While single wide driveways result in having to move vehicles around, the inconvenience of doing so cannot be considered a unique circumstance. The overwhelming majority of properties in the area have single wide driveways. If a variance, administrative or otherwise, were to be approved to allow a gravel parking space on the subject property, it would set a negative precedent for future requests of a similar nature.

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.**

Approval of a variance to permit a gravel parking space on a residential lot will almost certainly result in further requests for gravel parking which would impact the appropriate and orderly development of the area surrounding 425 Shepard Street and elsewhere in the City as well. The hard surfacing ordinance requirement is intended to maintain the orderly appearance of residential neighborhoods. It is also intended to protect the environment from hazardous chemicals that leak from vehicles and contaminate the ground water. When vehicles are parked on solid concrete or asphalt, the fluids drain into the City’s storm sewer system which is designed with filters that capture and treat the chemicals before they cause any contamination.

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 only potential nuisances that could result from gravel parking are dust and gravel being dragged onto the public sidewalk, thus causing a trip hazard. Since the applicant has been parking on the gravel area for some time now and these issues have not occurred, there is no reason to suspect that they will occur in the future, should the variance be approved.

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

Since there is nothing unique about the subject property that warrants approval of an alternative parking surface, approval of the request would set a negative precedent for future requests of a similar nature.

FINDINGS

This is a request for a variance to permit a gravel parking space in the side yard (next to the paved driveway) at 425 Shepard Street. Section 1254.01.08(a) of the Zoning Ordinance requires all parking spaces and access drives to be hard surfaced with cement or asphalt.

The available information supports a finding that the requested variance does not comply with the applicable evaluation criteria listed in Sections 1274.06 (c) and 1274.06 (e) of the Zoning Ordinance.

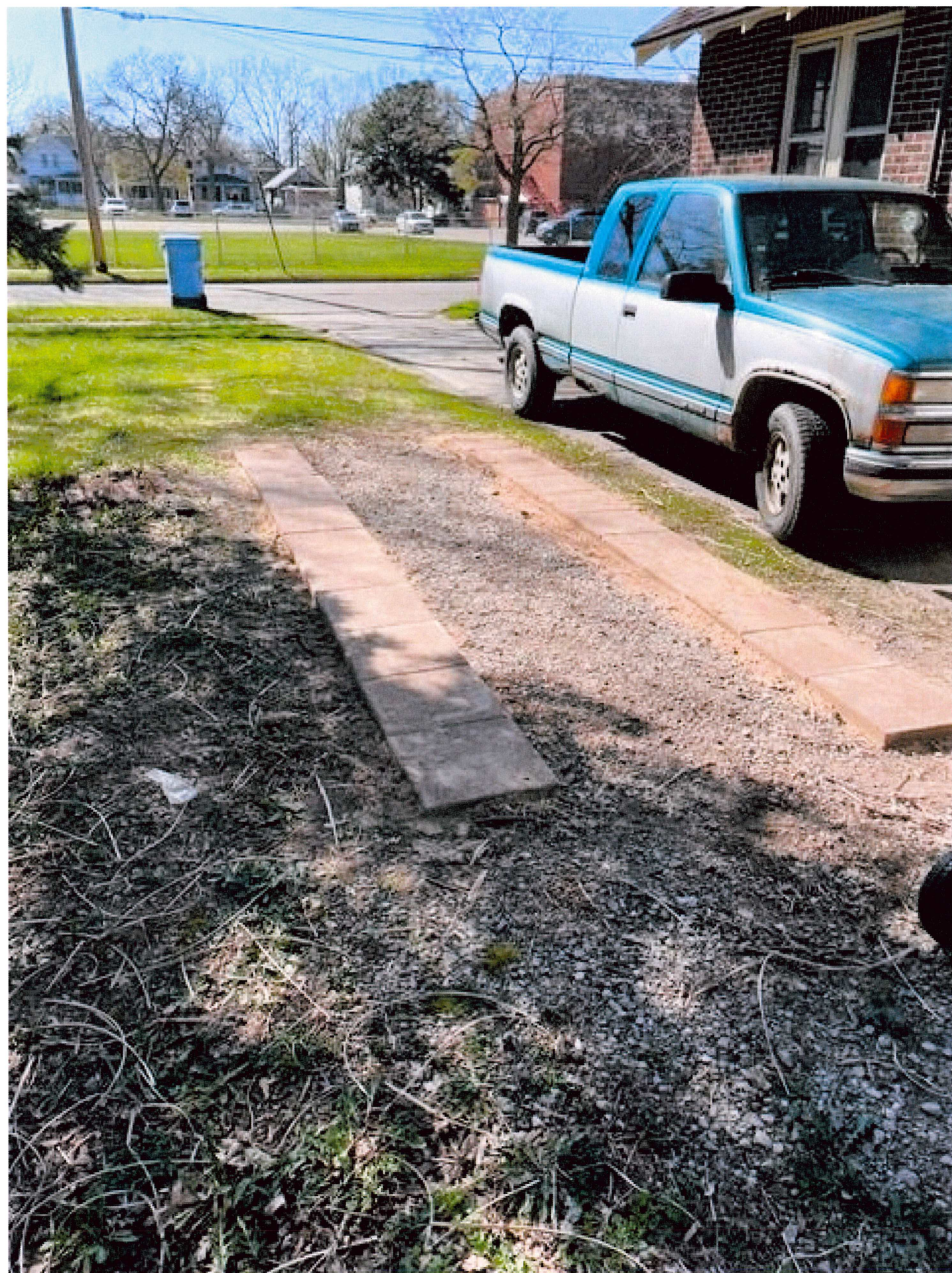
RECOMMENDATION

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

"I make a motion to deny BZA 4085.24 for a variance to Section 1254.01.08(a) of the Zoning Ordinance to permit a gravel parking space in the side yard at 425 Shepard Street, on a finding that the request does not comply with the variance evaluation criteria listed in Sections 1274.06 (c) & (e) of the Zoning Ordinance."

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator





04/10/2024 11:02



425 Shepard



Andy Schor, Mayor

CITY OF LANSING - PLANNING OFFICE
PETITION
BOARD OF ZONING APPEALS

Reset Form

Print

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): 425 SHEPARD ST LANSING, MI 48912

Legal
Description:

LOT 9 & N 9 FT LOT 10 PAUL PARK ADD

Applicant Name: William Parsley

Address (include zip code): 425 SHEPARD ST LANSING, MI 48912

Phone Number: 517-282-1882

Owner Name: William Parsley

Owner Address (include zip code): 425 SHEPARD ST LANSING, MI 48912

Owner Phone: 517-282-1882

Interest in Property (please check one)

☐ Option to buy

☒ Owner

☐ Other (please specify) _____

☐ Leasee

☐ Represent Owner

Zoning of the property: 401-R

Lot dimensions: 42 x 127.4

Is this property in the flood plain?

☐ 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 1

Total # of Bedrooms: 3

of accessible on-site parking spaces: _____

Is this property non-residential? ☐ Yes

☒ No

of employees (largest shift): _____

of accessible on-site parking spaces: _____

Hours and days / week of operation: _____

Describe or explain your proposal for this property:

attach a separate sheet if more space is necessary

Property contains a paved driveway and a gravel parking area. Owners of the home have been parking on the area since 1926. Recently owner received a citation for parking on the gravel area and his truck was impounded. Owner believes under 1254.01.08(b) the gravel area should be allowed and the Zoning Administrator disagrees. Owner is proposing approval of this gravel area. Also see attached.

Section # with which this proposal is in conflict: 1254.01.08

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

attach a separate sheet if more space is necessary

Owner will have to take up more street parking and affect other property owners and visitors to the local farmer's market. Parking on this gravel surface will not result in unreasonable sediment and is dust controlled as owner recently placed pavers in the area to further insure there is no sediment or dust.

Also see attached.

Items to be submitted with the petition:

- 1 A site plan drawn to a scale of at least 1" = 100' showing the location of all structures, existing and proposed, in relation to the lot lines and access points.
- 2 Flood plain information where applicable.
- 3 Non-refundable fee for processing (7/14/98)

FEES:

<u>Single Family Home Improvement:</u>	\$160.00
<u>Other appeals by acreage:</u>	
Less than one (1) acre:	\$250.00
One (1) to three (3) acres:	\$350.00
Greater than three (3) acres:	\$450.00

A zoning variance means a modification of the strict letter of the zoning or sign codes, being title six and chapter 1442 respectively, of the City of Lansing, granted when, by reason of exceptional conditions, the strict application of the provisions of this chapter result in peculiar or exceptional practical difficulties or unnecessary hardship to the owner of the lot.

Please file this petition with the Planning Office.

Signature of applicant:



Name: William M Parsley

For assistance, please contact:

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

This appeal involves an area 10' by 24' which has been used continuously as a gravel parking area since prior to 1974, the effective date of the ordinance. This is NOT front yard parking. The area starts 9 feet East of the most westerly part of my home. My Shepard frontage, including my lot to the South of my home is 99 feet. Exhibit A is my home which includes a delineation of the existing gravel driveway. The area where the disputed parking is located is the old drive to the now demolished garage. Exhibit B is a drawing of the 2 lots. The vacant lot is to the South of my home and the drive.

Attached is a pamphlet from the City of Lansing (exhibit C) disseminated after the ordinance was enacted which specifies the gravel parking area as a "permitted use." When I (and my predecessors) used the property in a way which may be contrary to the current zoning ordinance, my ability to continue the prior use is permissible. My use is lawful for purposes of zoning compliance. This is a lawful nonconforming use, which is the term used to describe my right to continue using the parking, despite the to the ordinance. My right to the use is established by law in the Michigan Zoning Enabling Act, codified at MCL 125.3208, which provides, "[i]f the use of a dwelling, building, or structure or of the land is lawful at the time of enactment of a zoning ordinance or an amendment to a zoning ordinance, then that use may be continued although the use does not conform to the zoning ordinance or amendment."

In addition to statute, a nonconforming use is protected by well-established common law. For example, the court in *Edw C Levy Co v Marine City Zoning Board of Appeals*, explained that "[a]n existing nonconforming use is a vested right in the use of particular property that does not conform to zoning restrictions, but is protected because it lawfully existed before the zoning regulation's effective date." 293 Mich App 333, 341-342 (2011). The purpose of the nonconforming use doctrine is simple; to protect property owners from the burden of fluctuating zoning codes. Understandably, a property owner should not be punished for continuing a use of property that has only recently been made violative of a zoning ordinance due to a change in the law. In other words, "[p]ermitting the continuation of a nonconforming use is designed to avoid the imposition of hardship upon the owner of property." *Gerrish Twp v Esber*, 201 Mich App 532, 533; 506 NW2d 588 (1993).

The vested right to a nonconforming use is also something that a local government cannot take away from property owners. Specifically, the Michigan Supreme Court in *Dusdal v Warren*, explained that "[a] prior nonconforming use is a vested right to continue the lawful use of real estate in the manner it was used prior to the adoption of a zoning ordinance. Though the ordinance be reasonable, it cannot operate to oust the property owner of his vested right." 387 Mich 354, 359 (1972).

I am not a lawyer. I live a simple life. My home is my castle and I want to want to be a good citizen and neighbor. I own 4 houses on Shepard and all are maintained legally and are aesthetically pleasing. I take great care maintaining my home. I received the

March 5th notice of violation from the City and was perplexed (exhibit D). My truck was parked in ancient and fresh Gravel. City records confirm that the notice was complied with. I must not have been parking on my spot when the City reinspected. I received a further violation notice dated April 10th that also advised that my truck could be towed, including a notice asserted to be from the police (to intimidate) that was actually from building officials (Exhibit E). I immediately contacted the city including AND placed pavers where my truck tires rested (exhibit F). I assumed that as a citizen attempting to deal with the problem, I should attempt to cooperate with the city and communicate with appropriate officials. I couldn't have been more wrong. My agenda was to be a good citizen.

The City did respond via email the morning after my communication while I was at work (Exhibit G). It was asserted (contrary to prior city communication and the law) that prior use was irrelevant. No investigation of the parking being grandfathered was conducted. My truck was towed. Even in the unlikely event the City' position has merit, a public servant would have addressed differently(as compared to a bully receiving a check) .

Following the towing, I met with various city officials from building and zoning. I was advised that the information provided in the city brochure was irrelevant, as well as prior use and that the parking would never be approved. I filed an appeal with zoning and the person who previously told me she would never approve the parking denied my appeal. (Exhibit H)

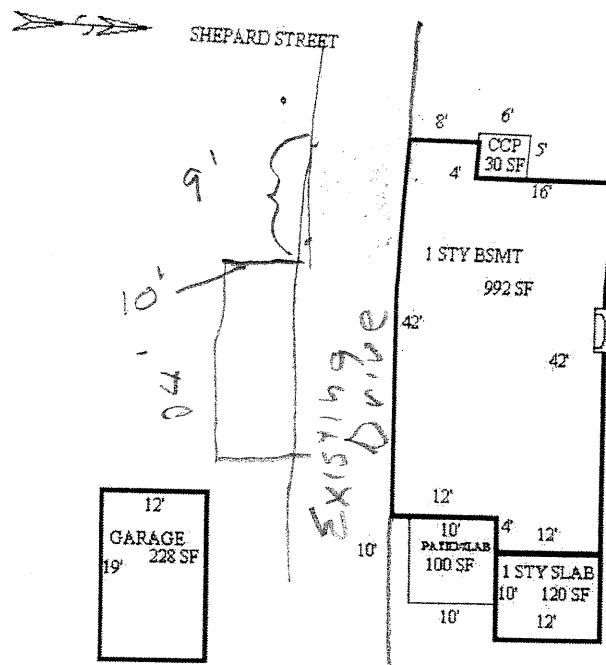
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RELIEF REQUESTED AND HARDSHIP

I respectfully request that this board grant my appeal and allow my parking area as set forth in the drawing. Street parking is generally not available on Shepard. NEOGEN and the delightful ALLEN NEIGHBORHOOD CENTER create excess pressure on my street. Additional unnecessary paving contributes to global warming and puts an undue burden upon the city's sewer system. The parking space is an area hardly visible from

the street that creates no sight or problem for any neighbor. The single spot is where the ancient garage drive was located. The city never looked at hardship in good faith and zoning never investigated drainage. The city acted in an arbitrary and capricious manner in citing me when they knew the parking was grandfathered.

Image/Sketch for Parcel: 33-01-01-15-478-081



Sketch by Apex IV™

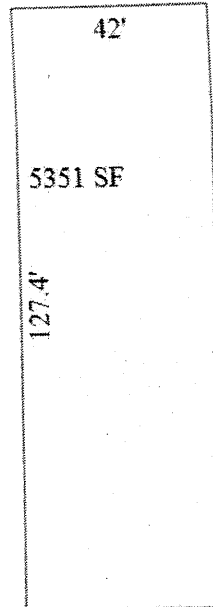
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Exhibit A

Image/Sketch for Parcel: 33-01-01-15-478-081

SHEPARD STREET



Sketch by Apex Sketch

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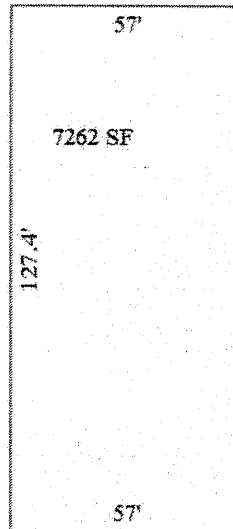
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Exhibit B

By continuing to use this website you agree to the [BS&A Online Terms of Use](#). ^x

Image/Sketch for Parcel: 33-01-01-15-478-091

SHEPARD STREET



Sketch by Apex Sketch

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PAYMENT INFORMATION

CITY OF LANSING DECEMBER 2023 PROPERTY TAX BILLING	This tax is due by 5 p.m.: 02/14/2024 Pay by mail to: CITY OF LANSING – DEPT 3201 P.O. BOX 30516 LANSING, MI 48909-8016 Phone: 517-483-4121																		
Desiree A. Kirkland, City Treasurer																			
All payments must be received by 5 p.m. on or before the due date to be considered on time.	**See reverse side for additional information** TAX DETAIL Taxable Value: 32499 State Equalized Value: 46200 PRE/MBT %: 100.0000 Class: 401																		
PROPERTY INFORMATION Property Assessed To: PARSLEY WILLIAM MICHAEL 425 SHEPARD ST LANSING MI 48912-2610 Prop #: 33-01-01-15-478-081 School: 33020 LANSING PUBLIC SCHOOL DIST Prop Addr: 425 SHEPARD ST	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">DESCRIPTION</th> <th style="text-align: right;">MILLAGE</th> <th style="text-align: right;">AMOUNT</th> </tr> </thead> <tbody> <tr> <td>INGHAM COUNTY</td> <td style="text-align: right;">4.53080</td> <td style="text-align: right;">\$147.24</td> </tr> <tr> <td>AIRPORT AUTH.</td> <td style="text-align: right;">0.69900</td> <td style="text-align: right;">\$22.71</td> </tr> <tr> <td>CATA</td> <td style="text-align: right;">2.98950</td> <td style="text-align: right;">\$97.15</td> </tr> <tr> <td>CADL-LIBRARY</td> <td style="text-align: right;">1.56000</td> <td style="text-align: right;">\$50.69</td> </tr> <tr> <td>RCYCLYARD</td> <td style="text-align: right;">0.00000</td> <td style="text-align: right;">\$122.00</td> </tr> </tbody> </table>	DESCRIPTION	MILLAGE	AMOUNT	INGHAM COUNTY	4.53080	\$147.24	AIRPORT AUTH.	0.69900	\$22.71	CATA	2.98950	\$97.15	CADL-LIBRARY	1.56000	\$50.69	RCYCLYARD	0.00000	\$122.00
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OPERATING FISCAL YEARS The taxes on this bill will be used for governmental operations for the following fiscal year(s): County: 01/01 - 12/31 City: 07/01 - 06/30																			

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Pay Online CREDIT/DEBIT or eCheck With our new online payment site www.pay.lansingmi.gov  A \$2.00 convenience fee is charged for all processed payments.	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: right;">Total Tax</td> <td style="text-align: right;">\$48.23</td> </tr> <tr> <td style="text-align: right;">Administration Fee</td> <td style="text-align: right;">\$0.48</td> </tr> <tr> <td style="text-align: right;">TOTAL AMOUNT DUE</td> <td style="text-align: right;">\$48.71</td> </tr> </table> Failure to send or receive a tax notice does not in any way prejudice the City's right to collect or enforce the payment any tax. See back of bill for more information.	Total Tax	\$48.23	Administration Fee	\$0.48	TOTAL AMOUNT DUE	\$48.71									
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TOTAL AMOUNT DUE	\$48.71															

Exhibit D

Department of Economic
Development and Planning



Andy Schor, Mayor

Planning and Zoning Office
316 N. Capitol Avenue, Suite D-1
Lansing, Michigan 48933
PH: 517.483.4066
www.lansingmi.gov

Violation Correction Notice

**PARSLEY WILLIAM MICHAEL or Current Occupant
425 SHEPARD ST
LANSING, MI 48912**

**Violation Date: 03/05/2024
Violation Location: 425 SHEPARD ST
Parcel #: 33-01-01-15-478-081
Compliance Due Date: 03/19/2024**

Please be advised that the above-referenced property contains the following zoning violation(s) as set forth in the City of Lansing Zoning Ordinance:

Section 1254.01.09 (a), Surfacing, requires all vehicles to be parked on an approved, paved surface. Vehicles are currently being parked at the property in violation of this Section. (There are restrictions on the location and size of driveways/parking areas on residential properties).

INSPECTOR COMMENTS: please have vehicle parked in driveway, vard parking not allowed.

If you have any questions, please do not hesitate to contact me at (517) 483 4639, Monday – Friday, between the hours of 8:00 AM - 4:30 PM or by email at Bryce.Dawsey@lansingmi.gov.

Officer: Bryce Dawsey

Exhibit E



Andy Schor, Mayor

ECONOMIC DEVELOPMENT & PLANNING CODE ENFORCEMENT OFFICE

316 N. Capitol, Ste C-1, Lansing, MI 48933-1238
(517) 483-4361

Front Yard Parking, Correction Notice

PARSLEY WILLIAM MICHAEL or Current Occupant
425 SHEPARD ST
LANSING, MI 48912

Violation Date: 04/10/2024

Violation Location: 425 SHEPARD ST

Parcel No: 33-01-01-15-478-081

Compliance Due Date: 04/11/2024

1254.01.17 and/or 1254.01.08 No person shall park or place a motor vehicle, trailer or watercraft in a yard.

INSPECTOR COMMENTS: Green/White Pickup Truck/Yard Parked.

INSPECTOR COMMENTS:

The Office of Code Compliance has found the above-described vehicle, parked in the front yard, to be in violation of the Lansing Zoning Code, Section 1286. A warning notice was affixed to the vehicle stating that the vehicle must be removed immediately, or it will be taken in to custody and stored at the owner's expense.

The Zoning Office at 483-4085 may assist you with clarification or discuss options regarding a particular situation because of a hardship or practical difficulty. If you have any questions regarding this matter you may contact me at the number below, Monday through Friday between the hours of 8-9 AM or 12-1 PM.

Pursuant to Section 107.2 of the IPMC, you have the right to appeal this notice of violation. In accordance with Section 106.3 any action taken by the City on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Officer: Bryce Dawsey (517) 483 4639 Bryce.Dawsey@lansingmi.gov

Taxpayer's Copy



LANSING POLICE DEPARTMENT
OFFICE OF CODE ENFORCEMENT

**YARD PARKING
THIS IS YOUR ONLY
WARNING**

This Vehicle / RV / Motorcycle / Watercraft /
or Trailer is parked in the yard in violation of
City Ordinance No. 1254.01.08 (Surfacing)
and/or 1254.01.17 (Front Yard Parking) by
the following officer:

Badge # 07380

Officer Dawsey

Date 04 / 16 / 2024 Time 11:40

License Plate# R2K 6769

Vehicle
Year/Make Green / White Pickup Truck

Location 425 Bedford

This vehicle must be removed within 24 hours.
If this vehicle is found to be in violation of the
above-referenced ordinance provisions after the
24-hour period, it will be taken into **CUSTODY**
and **STORED** at the owner's expense without
further notice.

For further information contact officer above at:

483- 4639

Exhibit F

From: billy parsley <bparsley2424@yahoo.com>
Sent: Wednesday, April 10, 2024 6:23 PM
To: Dawsey, Bryce <Bryce.Dawsey@lansingmi.gov>
Subject: [EXTERNAL] 425 Shepard

Mr Dawsey

This will acknowledge the recent 2d parking notice, this one from LPD, obviously initiated by you. I own several houses on Shepard (Parsley & Anderson) and assume this is a precursor to future action on your part, regardless of property use or condition, which appears to be irrelevant to you. It is a lower income neighborhood, making it an easy target for you.

The single parking spot you object to has been in use for decades, predating the applicable regulation, according to our investigation. We assume you conducted no investigation and that prior use would also be irrelevant to you. The single spot is far from the road on the side of property and covered with gravel as it has been for decades. I will place pavers on the gravel which will be a concrete surface covering the area where tires will rest. This will of course be detrimental to drainage and increase run off into the city system.

We have examined the neighborhood and observed scores of vehicles parked on or lawn, all of gravel which you well know. Looking west of MLK I have observed many vehicles and other items parked on the lawn or on gravel, but this not being a poor neighborhood thus irrelevant to the city.

1. You are prohibited from entering onto any property owned by Parsley & Anderson. This includes buildings and real property.
2. Please do a minimal investigation (takes more energy than writing a violation) to confirm prior use.
3. You are prohibited from entering any part of 425 Shepard.

You refer to the parking as front yard. A minimal investigation would have confirmed that is not the case.

Billy Parsley
282-1882

Sent from my iPhone

Exhibit G

Begin forwarded message:

From: "Dawsey, Bryce" <Bryce.Dawsey@lansingmi.gov>
Date: April 11, 2024 at 9:18:37 AM EDT
To: billy parsley <bparsley2424@yahoo.com>
Cc: "Stachowiak, Susan" <Susan.Stachowiak@lansingmi.gov>, "Allen, Walter" <Walter.Allen@lansingmi.gov>
Subject: RE: 425 Shepard

Good morning,

Yard parking is not allowed, I don't make the rules sadly. But you may reach out to Sue Stachowiak(Zoning Administrator) or my Manager, Walter Allen(Code Official) regarding any issues you may have with not being able to park in your yard/side-yard/unapproved surfacing. You have a driveway and that is what the driveway is for.

Crushed rock/gravel/etc is not an approved surface for parking on a residential property. There have also been other houses/properties that were also using non approved surfacing to park on and they received notice as well. I have 10+ Zoning notices go out a week stating this to properties in my area. Yes, prior use is sometimes irrelevant as things change, and seeing that rules changes are not mine to make, I have to enforce violations on properties.

The entire vehicle must be on padding as we had the same issue at another property and their vehicle was also cited, just letting you know to save any confusion. Concrete/asphalt padding is allowed, anything other, you can speak with the Zoning Administrator and she will help you figure that end out. Its full out "Yard Parking" that is not allowed, there no parking in any yard. That is why the vehicle was tagged. Unapproved surfacing/vehicle not in driveway. You moved the vehicle and complied with the letter, then the vehicle was moved back which is why it was tagged. I will have photos attached for Sue and Walter to review.

Bryce Dawsey

Premise Officer

Department of Economic Development & Planning – Code Enforcement

316 N. Capitol Ave. | Lansing, MI 48933

O: (517) 483-4639 | E: Bryce.Dawsey@lansingmi.gov

Exhibit H

-----Original Message-----

From: billy parsley <bparsley2424@yahoo.com>
Sent: Wednesday, April 17, 2024 4:34 PM
To: Stachowiak, Susan <Susan.Stachowiak@lansingmi.gov>
Subject: RE: [EXTERNAL] 425 Shepard

The circumstances do exist to justify the situation. There are already tons of cars parked on the street. The spot doesn't cause any harm to anyone. It is well maintained and no dust is raised. It's far off from the main road on the side of my property. It is unique and like I said isn't causing any harm to city infrastructure or roads or anything. Can you approve this you are the zoning administrator.

Sent from my iPhone

On Apr 17, 2024, at 4:01 PM, Stachowiak, Susan
<Susan.Stachowiak@lansingmi.gov> wrote:

Bill,

Attached is the information we spoke about if you would like to seek a variance or appeal the decision that the patio stones do not constitute a solid concrete or asphalt parking space.

Here is the ordinance on parking surfaces:

1254.01.08 SURFACING

(a) Except as provided for in subsections (b) and (c) hereof, off-street parking and loading areas, including access drives, shall be hard-surfaced with either Portland cement or asphalt.

(b) An alternative surface, including, but not limited to, gravel, may be approved by the Zoning Administrator, if circumstances exist which justify the alternative surface, and if the City Engineer believes the alternative surface will not result in an unreasonable amount of sediment being deposited in the sewers, and so long as the alternative surface is maintained in a dust-controlled condition.

(C) A lot used temporarily for off-street parking may be surfaced with gravel, so long as the temporary use does not extend for more than two years, and so long as the surface is maintained in a dust-controlled condition.

The City has never, approved an alternative surface for parking on a residential parcel of land. Also, there are no unique circumstances associated with the property at 425 Shepard that would warrant approval of an alternative surface such as gravel or patio stones.

Sue

Susan Stachowiak
Zoning Administrator
Department of Economic Development & Planning
316 N. Capitol Ave. | Lansing, MI 48933
O: (517) 483-4085 | E: Susan.Stachowiak@lansingmi.gov
Website |
Facebook | Twitter | Instagram

-----Original Message-----

From: billy parsley <bparsley2424@yahoo.com>
Sent: Wednesday, April 17, 2024 3:53 PM
To: Stachowiak, Susan <Susan.Stachowiak@lansingmi.gov>
Subject: RE: [EXTERNAL] 425 Shepard

Are you sending info? In the ordinance it says you can give special permission for certain situations. I have been using parking spot for decades now. I can't afford to pour new concrete to meet what you want. Parking in the street would take away parking for people going Allen street farmers market. Parking my truck in that spot has not been an issue to anyone until now. I want to be civil and I hope you could give me special permission to keep parking there.

Billy Parsley
5172821882
Sent from my iPhone

On Apr 16, 2024, at 9:56 AM, billy parsley
<bparsley2424@yahoo.com> wrote:

Good morning,

Attached are photos of my driveway and the
new concrete pavers for my truck parking spot
in compliance of the ordinance.

Billy Parsley
5172821882
<image0.jpeg>
<image1.jpeg>
<image2.jpeg>
<image3.jpeg>
<image4.jpeg>

Sent from my iPhone
<BZA%20application3_201803131229014253.pdf>
<Zoning%20Variance%20Process%20Information%20(PDF).pdf>

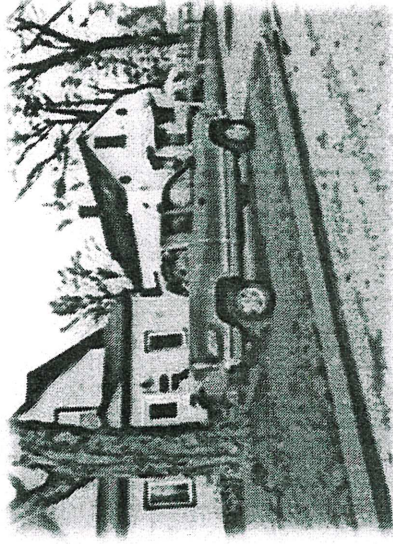
--

Robert K. Ochodnický
Attorney at Law
ABMD Law
1005 S. Washington
Lansing, MI 48910
(517) 295-3634
robert@abmdlaw.com
www.abmdlaw.com

Front Yard Parking

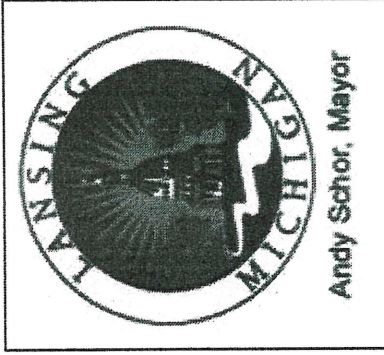
What You Should Know

Exhibit C



Economic Development
& Planning
Office of Code
Enforcement

Ensuring Safe Housing through
Education, Inspection and
Compliance



Attractive Neighborhoods Build Strong Communities

Please keep in mind that we need and want our neighborhoods to look nice. The storage of vehicles, motor homes, trailers or junk in our yards does not fulfill this goal. Consider storing those items in commercial facilities so that your approved parking areas will be available for things used every day.

Code Enforcement Office

316 N. Capitol Ave., Suite C-1
Lansing, MI 48933-1238
(517) 483-4361
Fax: (517) 377-0100

Visit Us On The Web @
www.cityoflansingmi.gov

FAQ's (Frequently Asked Questions)

- Q:** Does this ordinance also apply to my boat and/or trailer?
- A:** Yes. The ordinance applies to campers, motor homes, trailers, cars, trucks, boats & boat trailers.
- Q:** Where else can I park if I can't park in the front yard?
- A:** You can construct a parking surface on your lot in the side or rear yards (non-shaded areas on the illustrations) as long as it meets certain conditions.
- Q:** What are the conditions you mentioned and can I park on the grass in my yard?
- A:** No. Parking vehicles in the grass is prohibited. It creates muddy ruts and the grass is difficult to maintain. The location where you park the vehicle or trailer must be paved with asphalt, poured concrete, or brick/concrete pavers. Also the total area of paved surfaces and surfaces covered by the buildings cannot exceed 55% to 75% of the total lot area depending on the zoning district.
- Q:** If I'm trying to sell my car can I park it on the front lawn?
- A:** No. Other than the EXCEPTIONS listed in this pamphlet, parking on the front lawn is prohibited.
- Q:** Most of the driveways in my neighborhood are gravel. Can I use gravel instead?
- A:** Yes, but only if it is requested and approved by both the Planning Office & Public Service Departments.
- Q:** Can I park my car on the street?
- A:** No. Parking is not allowed on streets from 2 a.m. to 5 a.m.

WHAT YOU SHOULD KNOW

The City of Lansing Zoning Code, Chapter 1286, prohibits parking in the front yard in residential and office districts.

This code serves to:

- > *Protect the appearance of residential neighborhoods and property values;*
- > *Enhance public safety; and*
- > *Promote the public welfare*

DEFINITIONS

The ordinance applies to any motor vehicle, trailer or watercraft.

Front Yard: The front yard is that yard which is between the front wall of the house and street right-of-way. Interior lots have one front yard, but corner lots may have two front yards (see illustrations A & B).

Illustrations

The illustrations on the following panels show examples of homes in a residential neighborhood and where parking is prohibited. Typically, parking is permitted only on an approved driveway or a paved surface that is located behind the building setback line.

In the front yard area, a driveway can be up to twelve (12) feet wide or as wide as the approach to the garage door (whichever is greater). A typical two-car garage door is sixteen (16) feet wide. This means that a driveway in the front yard can be up to sixteen feet wide if it is in front of a sixteen foot wide garage door.

EXCEPTIONS

The only exceptions that permit parking in the front yard are:

- > If prior to 1974, a front-yard parking area was approved in conjunction with a building permit, or a front yard parking area was otherwise legally established;
- > If the vehicle has a valid handicapped parking permit^{*}; or
- > Engaged in actual loading or unloading.

^{*}Vehicles must be on an approved surface. Please note that paving portions of a side or rear yard for parking may conflict with other portions of the Zoning Code or subdivision regulations. Subdivision regulations are private rules that help regulate improvements in particular subdivisions and are not regulated by the City of Lansing

Illustration A

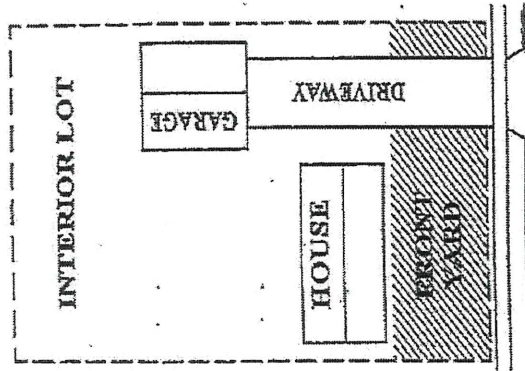
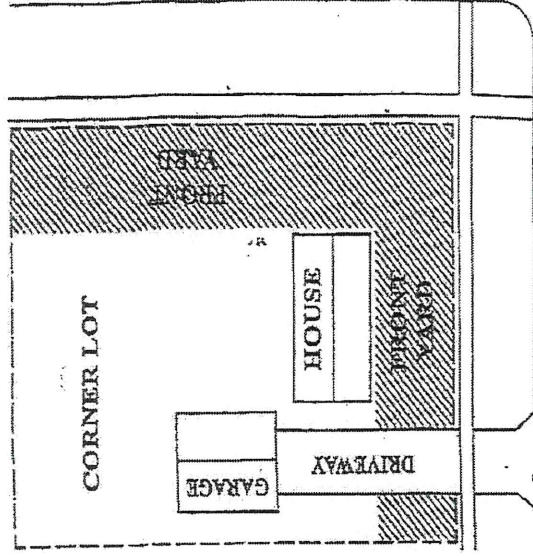


Illustration B



NEED ASSISTANCE?

If you wish to discuss options, a particular situation or require clarification, call the Zoning Office at (517) 483-4085. You can fax a survey or property sketch for zoning review to (517) 483-6036. You may also come in during regular office hours (8 a.m. to noon Monday through Friday) at 316 N. Capitol Ave., Suite D-1, Lansing, MI 48933.

APPEALS

If, because of a hardship or practical difficulty, you believe that front yard parking is a necessity, you may seek relief from the Board of Zoning Appeals.

STILL HAVE QUESTIONS?

If you have questions or need additional information about the enforcement process, please call the Code Enforcement Office at (517) 483-4361 or contact your neighborhood Code Enforcement Officer.

IMPLEMENTATION & ENFORCEMENT

This is a coordinated effort between the Lansing Police Department and the Code Enforcement Office using the following process:

- ! WARNING placard is applied to the windshield of the vehicle. Vehicle must be removed immediately. A letter will also be sent to the occupant of the structure explaining front yard parking
- ! Further violations of the same vehicle are subject to being towed
- ! Repeated offenses may be subject to fines of \$150, \$250 and ultimately \$500.

GENERAL INFORMATION

APPLICANT/OWNER: David Muylle
124 Regent Street
Lansing, MI 48912

REQUESTED ACTION: Variances to the architectural requirements for a new single-family home on the vacant property at 128 Regent Street

EXISTING LAND USE: Vacant

EXISTING ZONING: "R-6A" Urban Detached Residential

PROPERTY SIZE & SHAPE: Rectangular lot – 50' x 132' = 6,660 square feet

SURROUNDING LAND USE: N: Single Family Residential
S: Single Family Residential
E: Multiple Family Residential (8 units)
W: Single Family Residential

SURROUNDING ZONING: N: "R-6A" Urban Detached Residential
S: "R-6A" Urban Detached Residential
E: "R-MX" Residential Mix
W: "R-6A" Urban Detached Residential

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

REQUEST

This is a request for variances to various architectural requirements of Section 1246.04 of the Zoning Ordinance. The applicant's proposal is to construct a new single-family dwelling on the vacant property at 128 Regent Street that would be 20 foot wide, with a flat roof (no cornice or parapet) and attached carport on the front wall of the building facing Regent Street. The interior height of the house will be 7 feet, less than 10% of the north and south walls of the proposed building would be covered by windows/glass doorways and the building would not include a covered front porch, elevated at least 18 inches above grade. Sections 1244.02(b) & (d)(4) of the Zoning Ordinance require a minimum width of 24 feet for houses on lots that are more than 40 feet wide (the subject property is 50 feet wide) and require a shingled roof with a minimum 4:12 pitch. Section 1246.04.01(b) prohibits carports from projecting beyond the front wall of the house. Sections 1246.04.02(a) (1), (3) & (b) require a floor to ceiling height of at least 7.5 feet throughout the entire interior of the house, a covered front porch with a finish floor elevation that is at least 18 inches above grade that projects at least 7 but no more than 9 feet from the front wall of the building and Section 1246.04.02(d) requires at least 10% of all side walls to be covered by windows or glass doorways.

Required	Proposed
24-foot-wide house	20 feet wide
Shingled 4:12 pitched roof or flat roof with cornice or parapet	Flat roof with no cornice or parapet
Carport cannot extend beyond the front wall of the house	Carport on the front wall of the building facing Regent Street
At least 10% of side walls covered by windows or glass doorways	North elevation – approximately 5% coverage by windows South elevation – less than 5% coverage by windows
Covered porch on front of house, elevated at least 18 inches above grade	No covered front porch and entrance to the house is at grade level.
Floor to ceiling height of 7.5 feet throughout the entire interior of the structure	7 feet for most of the interior of the structure

PRACTICAL DIFFICULTY OR UNNECESSARY HARDSHIP

Approval of a variance must be based upon a finding that there is a “practical difficulty” associated with a particular property that either prevents compliance with the ordinance or makes it unreasonably difficult. The other standard that can be applied is whether denial of the variance would place an unnecessary hardship on the applicant, based upon a finding that there are unique circumstances that would allow the variance to be approved while preserving the intent of the ordinance and not setting a negative precedent for future requests to vary the ordinance standard.

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 or practical difficulty results from the application of this Zoning Code to his or her lot, rather than from some other factor.
2. The hardship or practical difficulty is not the result of his or her own actions.
3. The hardship or practical difficulty is unique to the subject property.
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 not comply with any of the criteria listed above. The proposed house size and architectural design is based solely on the desire to construct a Mid-Century style house. The subject property is more than adequate in size to accommodate the required 24-foot width requirement for houses and the design is simply a matter of mere preference and not based upon any unique feature of the site that would warrant relief from the architectural standards.

Section 1246.03 of the Zoning Ordinance permits the Zoning Administrator to modify the architectural standards under the following circumstance:

The design of the building shall be in keeping with the desired architectural character as articulated in the Comprehensive Plan, the intent of the district, and by example of new buildings designed following the standards of this code. This shall not prevent innovation and creativity in design that is in keeping with the Comprehensive Plan, as determined by the Zoning Administrator.

The following are excerpts from the Master Plan relative to the preservation of residential neighborhoods, particularly with regard to infill development:

“Lansing will capitalize on the placemaking assets of older single-family neighborhoods and encourage residential infill and renovation that are compatible with existing development character in all neighborhoods.”

“One key aspect to preserving neighborhoods is the preservation of the architecture that contributes to each neighborhood’s particular character. Lansing has a number of pre-World War II neighborhoods that have a distinct sense of place that is worthy of preservation. While individual homes and structures within these neighborhoods may not stand out as architectural gems, together these structures create a unified pattern that contributes to the quality of the neighborhood.”

“Design Lansing also recommends that housing renovation and infill development complement the site design and architectural patterns that characterize existing neighborhoods. Achieving this compatibility requires an understanding of the design elements that give each neighborhood its special character. These include broader neighborhood patterns (street layout and block size), patterns that are repeated from one parcel to another (building height, setbacks and orientation) and the repeated use of similar design details (porches, window patterns and materials).”

The proposed house style would be completely out of character with the neighborhood in which it would be located and thus, contrary to the intent and purpose of the Master Plan as described in the above excerpts therefrom. While there are neighborhoods in the City that have an eclectic mix of house styles, the styles in the area surrounding the subject property are very consistent. With the exception of one flat-roofed 8-unit apartment building across from the subject property, the other houses in the area have 1½ - 2 stories with roofs that have a pitch of 4:12 or greater and have covered or enclosed front porches that are elevated above grade level, with detached garages in the rear yards. Since the proposed house would be completely out of character with the neighborhood, variances, or administrative approval of modifications to the architectural requirements as provided for in Section 1246.03 of the Zoning Ordinance would not be appropriate.

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 described in the preceding paragraphs of this report, the proposed house design would be inconsistent with the neighborhood in which it would be located, and thus, contrary to the intent and purpose of both the Zoning Ordinance and the Master Plan.

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.**

Since there is nothing unique about the subject property that warrants variances to the architectural standards, approval thereof would set a negative precedent for future requests of a similar nature, thus rendering the ordinance in effective in accomplishing a primary goal of the Master Plan which is to preserve the character of the City's established neighborhoods.

FINDINGS

This is a request for variances to various architectural requirements of Section 1246.04 of the Zoning Ordinance. The applicant's proposal is to construct a new single-family dwelling on the vacant property at 128 Regent Street that would be 20 foot wide, with a flat roof (no cornice or parapet) and attached carport on the front wall of the building facing Regent Street. The interior height of the house will be 7 feet, less than 10% of the north and south walls of the proposed building would be covered by windows/glass doorways and the building would not include a covered front porch, elevated at least 18 inches above grade. Sections 1244.02(b) & (d)(4) of the Zoning Ordinance require a minimum width of 24 feet for houses on lots that are more than 40 feet wide (the subject property is 50 feet wide) and require a shingled roof with a minimum 4:12 pitch. Section 1246.04.01(b) prohibits carports from projecting beyond the front wall of the house. Sections 1246.04.02(a) (1), (3) & (b) require a floor to ceiling height of at least 7.5 feet throughout the entire interior of the house, a covered front porch with a finish floor elevation that is at least 18 inches above grade that projects at least 7 but no more than 9 feet from the front wall of the building and Section 1246.04.02(d) requires at least 10% of all side walls to be covered by windows or glass doorways.

The available information supports a finding that the requested variances do not comply with the applicable evaluation criteria listed in Sections 1274.06 (c) and 1274.06 (e) of the Zoning Ordinance.

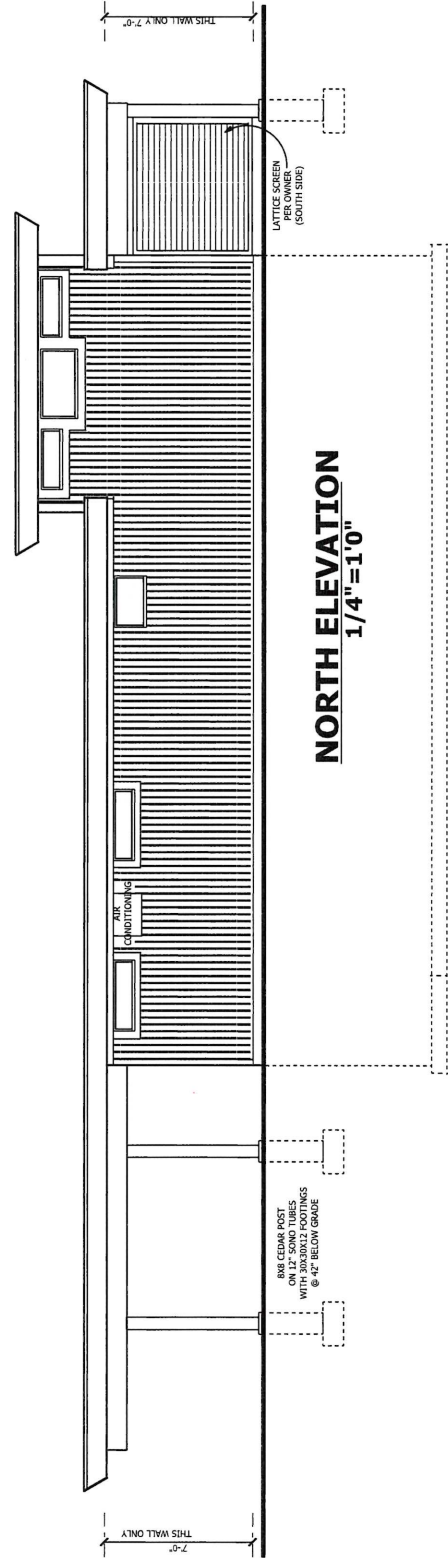
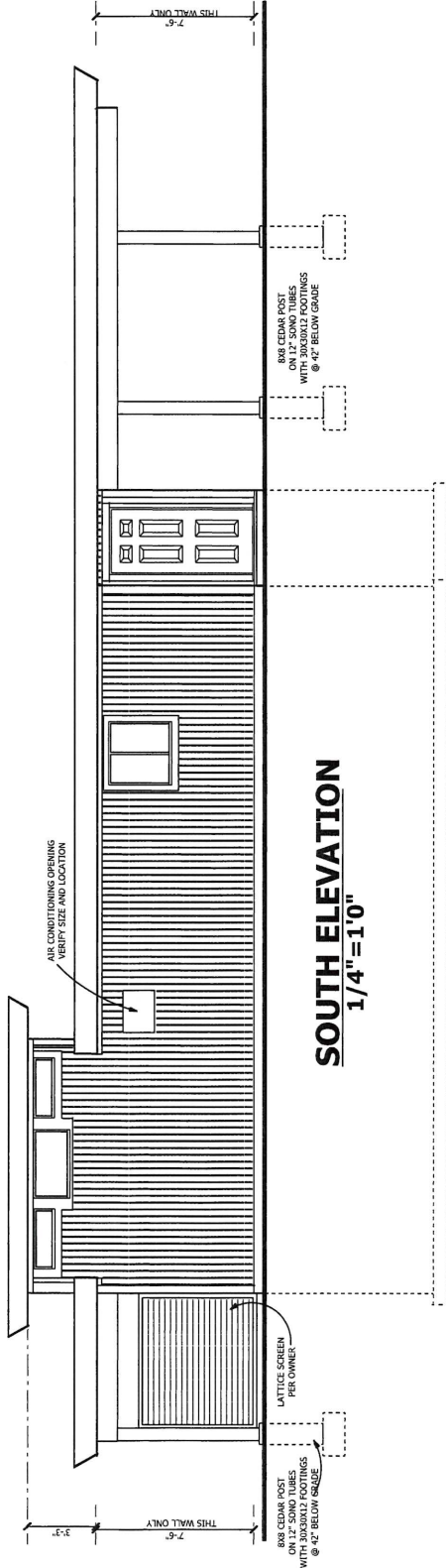
RECOMMENDATION

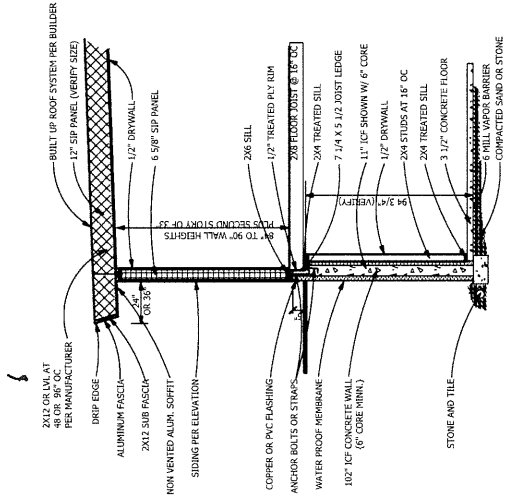
Based on the information and findings described in this report, the following motion is offered for the Board's consideration:

"I make a motion to deny BZA 4086.24 for variances to permit a 20-foot wide, flat roofed, single family dwelling at 128 Regent Street that would have an attached carport on the front of the building, an interior floor to ceiling height of 7 feet, less than 10% wall coverage by windows or glass doorways on the side walls and would not have a covered front porch elevated at least 18 inches above grade, on a finding that the requests do not comply with the variance evaluation criteria listed in Sections 1274.06 (c) & (e) of the Zoning Ordinance."

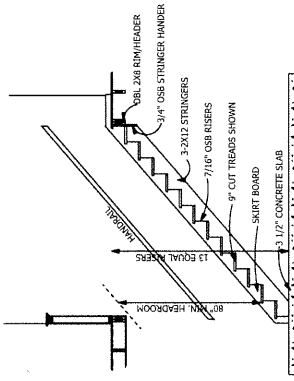
Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

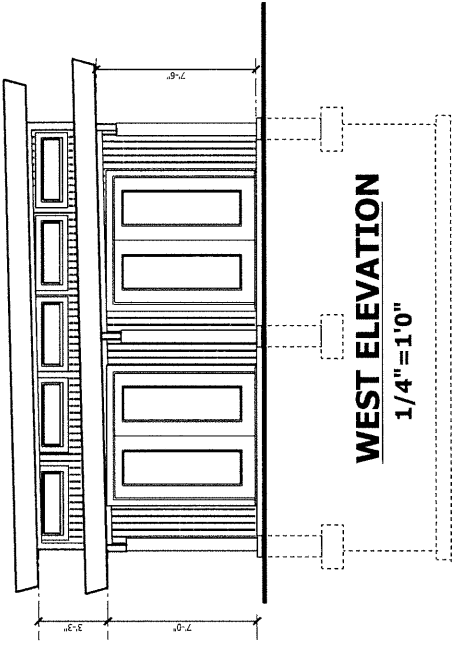
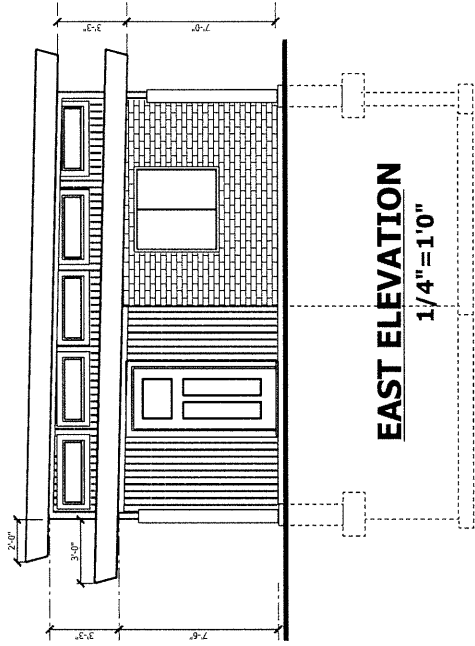




WALL SECTION
NOT TO SCALE



STAIR SECTION
NOT TO SCALE



1 630 sf
2 630 sf
3 570 sf
4 630 sf
5 845 sf
6 630 sf
7 680 sf
8 680 sf
9 650 sf
10 590 sf
11 750 sf
12 1110 sf
13 480 sf
14 480 sf
Comm.

BRS

DAVID MUYLLE
124 REGENT STREET
ANN ARBOR, MICHIGAN
PHONE: (517) 930-1584

CONSTRUCTION

		82042000 0001300000000 0010 3200000000 00 00000000	
11-12-0	0000	00000000 0000 0000 00000000	0
01-01-0	0000	00000000	0
01-01-0	0000	0000 0000 00000000 0000	0

COTTAGE LANE DEVELOPMENT
BETWEEN REGENT & LESLIE STREETS
CITY OF LANSING, INGHAM COUNTY, MICHIGAN

[illegible]

C4.0



- | | | | | | |
|---|---|---|---|---|---|
|  |  |  |  |  |  |
| NEW CONCRETE OR BRICK PAVERS | NEW UNIT NUMBER | NEW ASPHALT PAVEMENT | NEW CONC. PAVEMENT | NEW CRUSHED LIMESTONE OR BITUMINOUS MILLINGS (DEPENDING ON AVAILABILITY) | NEW BUILDING/COVERED PARKING |

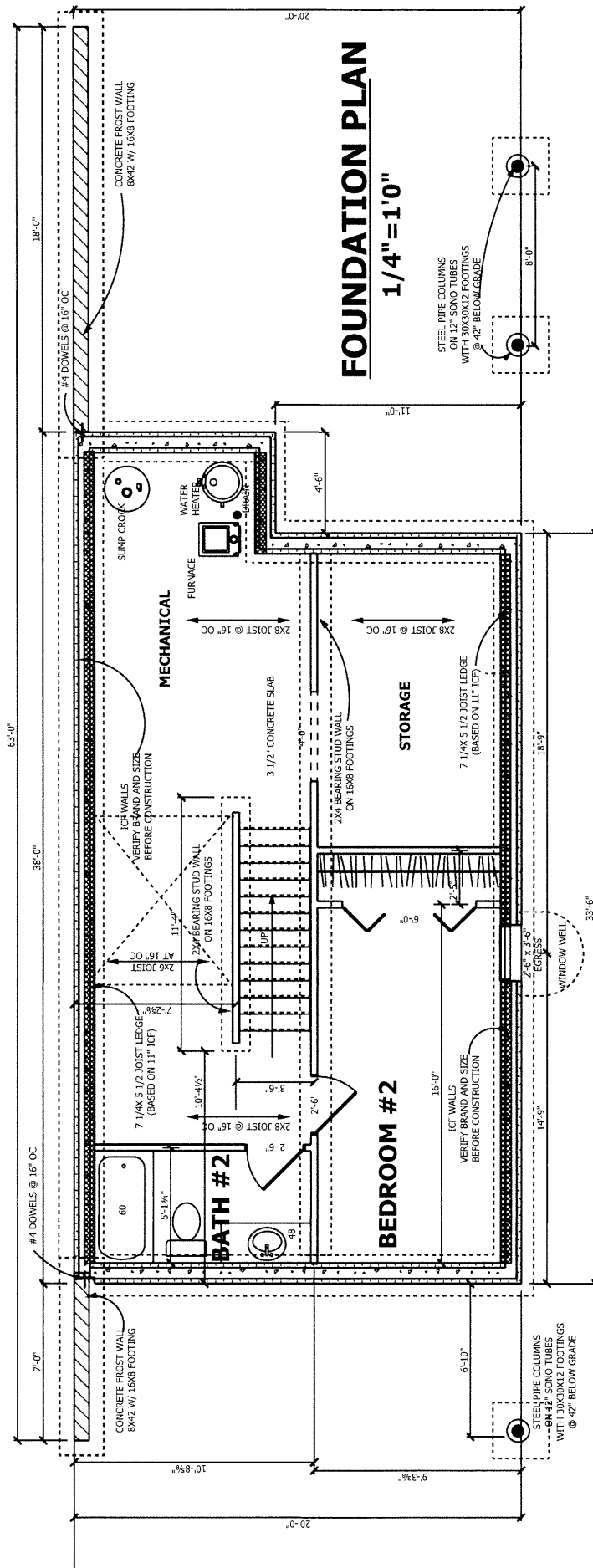
REQUIRED:
2 SPACES PER UNIT
44 UNITS = 28 TOTAL

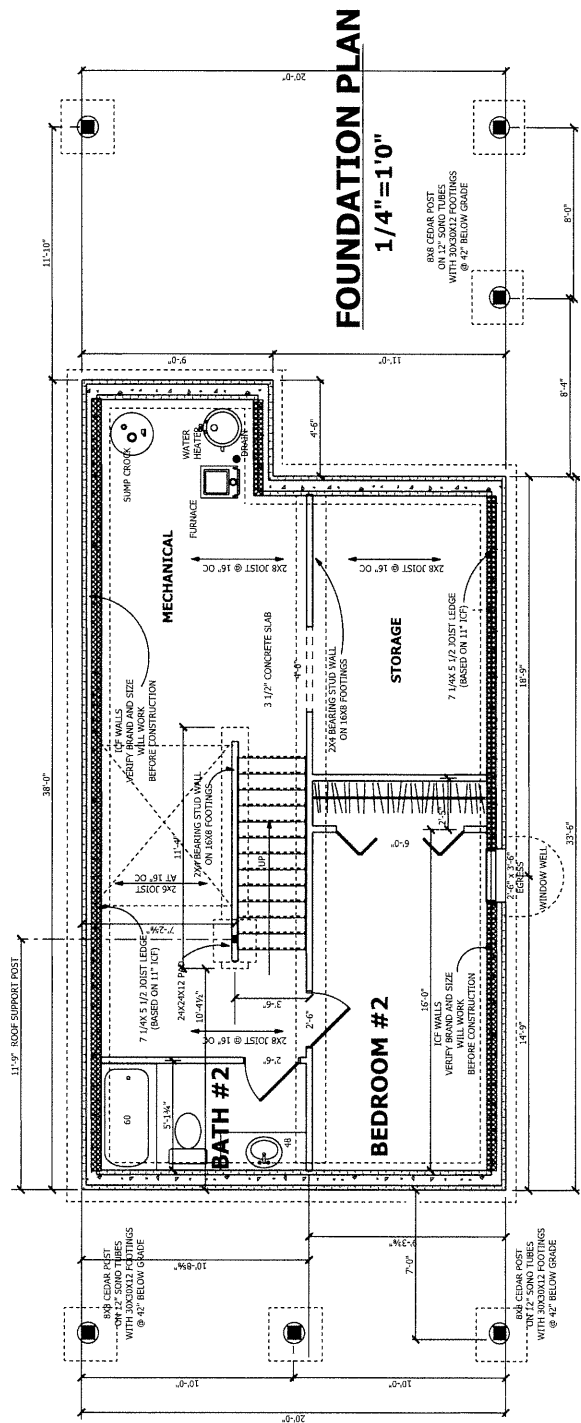
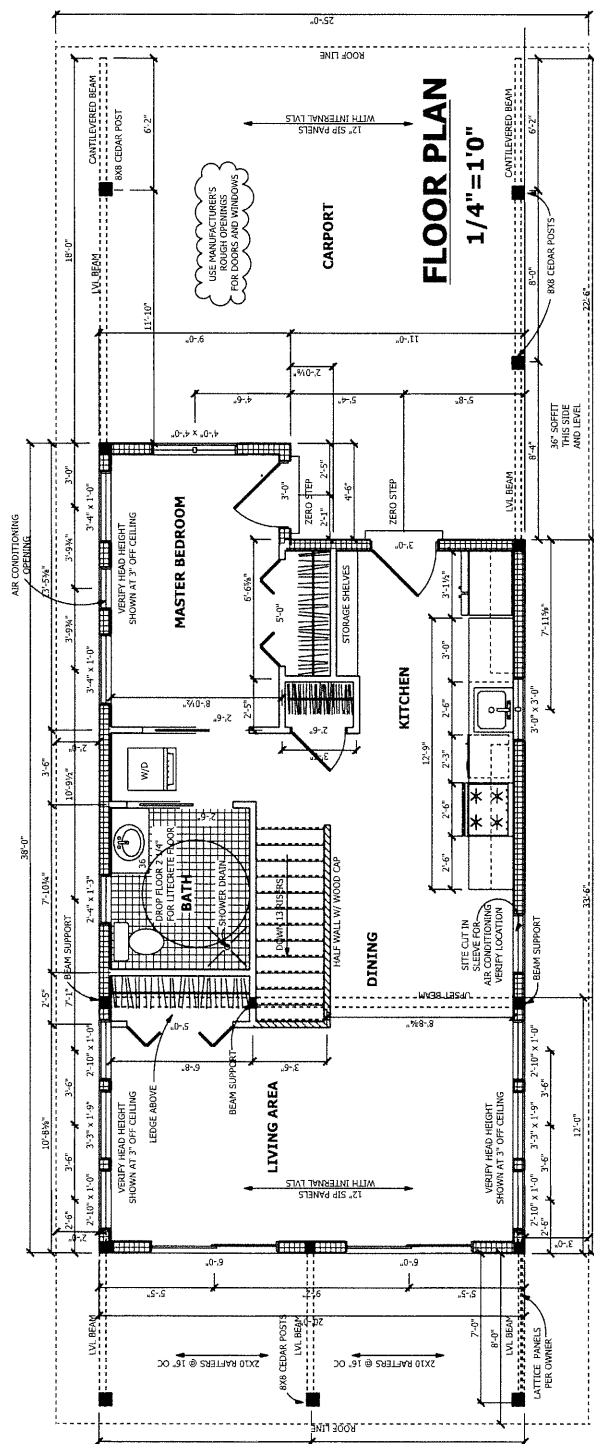
PROPOSED:
2 EXISTING GARAGE
15 OPEN SPACES (10' X 20')
11 COVERED SPACES
28 TOTAL SPACES

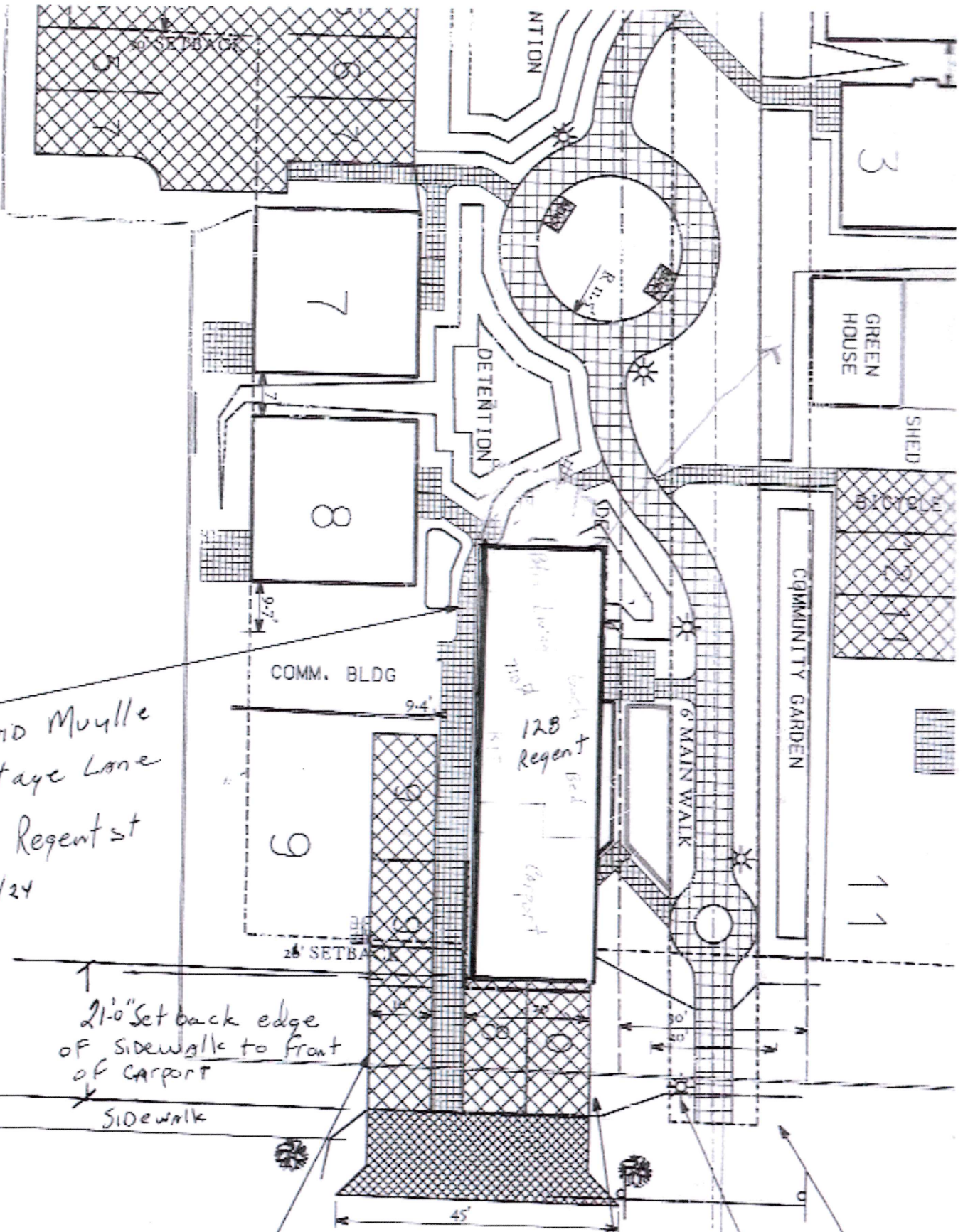
EX. BLDG (TO REMAIN)	6,654 S.F.	14.1%
EX. PVMT, CONC., & BLDG (TO BE REMOVED)	7,361 S.F.	15.6%

NEW BIT, PAVEMENT	11,857 S.F.	25.1%
NEW CONC. OR PAVERS	3,988 S.F.	8.4%
NEW BLDG.	5,331 S.F.	11.3%
EX. CONC. (TO REMAIN)	6,654 S.F.	14.1%
EX. PVMT, CONC., & BLDG. (TO BE REMOVED)	0 S.F.	0%

3 WORKING DAYS
BEFORE YOU DIG
CALL MISS DIG
1-800-482-7171
(TOLL FREE)







David Muylle
Cottage Lane
128 Regent St
4/8/24

21'-0" Setback edge
of sidewalk to front
of carport
sidewalk

REGENT STREET

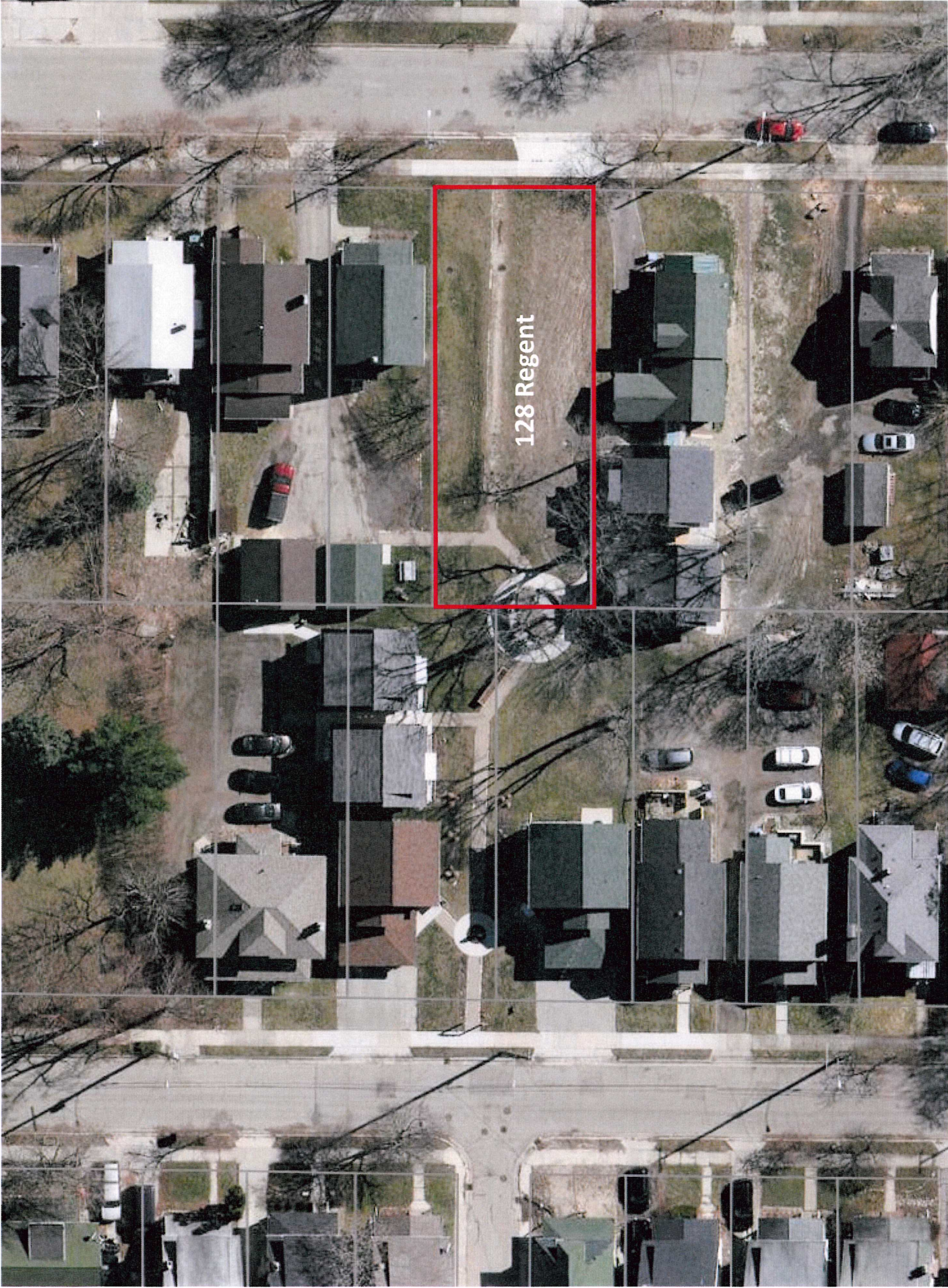
Houses north of the subject property



Houses south of the subject property



10 Regent St
Ansing, Michigan
Google Street View
g 2019 See more dates



**MINUTES OF REGULAR MEETING
BOARD OF ZONING APPEALS
Thursday, April 11, 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 6:32 p.m.

Present: M. Rice, E. Jefferson, K. Berryman, M. Jackson & B. Fryling

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

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 Ms. Jefferson, 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-4084.24, 6415 S. Cedar Street, Variances to the allowable number of ground signs and to the size restriction and allowable number of wall signs.

Ms. Stachowiak stated that BZA 4084.24 is a request to permit a second ground sign and 3 additional wall signs on the building at 6415 S. Cedar Street (Tommy’s Car Wash) totaling 212.46 square feet. Section 1442.12 (b) of the Sign Ordinance permits 1 ground sign on the property and Sections 1442.13 (a) & (i) permit 2 wall signs on the building, the combined area of which cannot exceed 100 square feet. There is already 1 ground sign on the site and 2 wall signs on the building that have a combined size of 88.71 square feet. Variances of 1 to the allowable number of ground signs, 3 to the allowable number of wall signs and 112.46 square feet to the size limitation for wall signs, are therefore, being requested.

Ms. Stachowiak stated that the staff recommendation is to deny the variances based on a finding that the requests do not comply with the applicable criteria of Sections 1244.06 (c) and 1244.06 (e) of the Zoning Ordinance, as described in the staff report for this request. She said that there is nothing unique about the subject property that warrants relief from the sign ordinance regulations and that the existing ground sign and wall signs are clearly visible to traffic along S. Cedar Street which provides the only access to the site. Ms. Stachowiak further stated that the proposed signage is excessive and thus, contrary to the intent and purpose of the sign ordinance which is to permit signs

that adequately identify businesses while not creating visual clutter that is distracting to motorists and detrimental to the appearance of the streetscape. She pointed out that the site already has one ground sign that is visible from S. Cedar Street and 2 wall signs, one on the front of the building and one on the south side of the building, all of which are in compliance with the current sign ordinance.

Mr. Rice opened the public hearing.

Seeing no one wishing to speak, Mr. Rice closed the public hearing.

Mr. Rice stated that there is no basis for granting the variances. He said that the existing signage seems to be sufficient to identify the business and additional signs for marketing purposes is not a basis for authorizing variances.

Mr. Fryling and Ms. Jefferson expressed that they agree with Mr. Rice's statements.

Ms. Jefferson made a motion, seconded by Mr. Jackson to deny BZA 4083.24 for variances to permit 2 ground signs on the property and 5 wall signs totaling 212.46 square feet on the building at 6415 S. Cedar Street, on a finding that the requests do not comply with the variance evaluation criteria listed in Sections 1274.06 (c) & (e) of the Zoning Ordinance. On a roll call vote, the motion carried (5-0). The variances were denied.

V. OLD BUSINESS - None

VI. NEW BUSINESS

A. Excused Absences

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

VII. APPROVAL OF MINUTES

A. Regular Meeting, April 11, 2024

Ms. Jefferson made a motion, seconded by Mr. Fryling to approve the April 11, 2024, 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,