



LANSING BOARD OF ZONING APPEALS
Regular Meeting
Thursday, August 8, 2024, 6:30 PM
Neighborhood Empowerment Center
600 W Maple Street, Lansing, MI 48906

AGENDA

- I. ROLL CALL**
- II. APPROVAL OF AGENDA**
- III. PUBLIC COMMENT**
- IV. PUBLIC HEARING/ACTION**
 - A. BZA-4087.24, 2820 E. Saginaw Street, Variances to Sections 1250.04.06(c)(1)(e) and 1250.04.06(d)(2) of the Zoning Ordinance to permit a chain-link fence with barbed wire in the front yard **1****
 - B. BZA-4088.24, 800 W. Mt. Hope Avenue, Variances to Sections 1250.04.06(c)(1)(d) & (e), 1250.03.03(a), 1243.03 and Chapter 1252 of the Zoning Ordinance to permit an 8-foot-high chain-link fence in the front yard, to permit a fence and outdoor sales/display area within the 10-foot corner clearance area and to eliminate the required 8-foot landscaping buffer.....**2****
- V. OLD BUSINESS**
- VII. NEW BUSINESS**
- VI. APPROVAL OF MINUTES**
 - A. Regular Meeting, June 13, 2024 **3****
- 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).

RE: Variance request for 800 W. Mount Hope Road

We are writing to support the variance request at 800 W. Mount Hope Road to permit a 8 foot chain link fence and for the outdoor storage of bicycles for sale.

The owner of the property has performed a challenging and legitimate community service by rehabilitating the building and lot at 800 W. Mount Hope Road. Before his involvement the area was a significant blight and danger and if he's unable to safely operate his business those challenges will return.

Allowing this business to continue to operate safely is crucial for our neighborhood. Many residential homes in the area have higher fences and these fences are important to protect against crime which harms property owners and the community at large.

We feel strongly that the fence and display of bicycles should be allowed in order to keep our neighborhood safe and our businesses strong.

Steven Schomberger and Rachel Cichon

 
Owners of 1837 S Rundle directly across from the lot in question

GENERAL INFORMATION

APPLICANT: Marci Daniels, VP/GM Nexstar Broadcasting, Inc. dba WLNS-TV
2820 E Saginaw St.
Lansing, MI 48912

OWNER: Nexstar Media Inc, dba WLNS-TV
2820 E Saginaw St.
Lansing, MI 48912

REQUESTED ACTION: Variances to permit a 6-foot-high chain-link fence with barbed wire within the front yard.

EXISTING LAND USE: Media broadcasting station

EXISTING ZONING: "MX-2" Mixed-Use Community Center

PROPERTY SIZE & SHAPE: Square, irregular. 4.75 acres

SURROUNDING LAND USE: N: Commercial (Lansing Township)
S: Motor Vehicle Sales
E: Freeway, commercial
W: Residential

SURROUNDING ZONING: N: Lansing Township "G" General Business
S: MX-2 Mixed-Use Community Center
E: MX-2 Mixed-Use Community Center
W: R-6a Urban Residential

MASTER PLAN DESIGNATION: The Design Lansing Comprehensive Plan designates the subject property for Mixed-Use: Community Center development. E Saginaw Street is designated as Arterial Corridor street type.

REQUEST

Section 1250.04.06 (c)(1)a. prohibits fences that are a minimum 50% see-through from being taller than four feet in a front yard, Section 1250.04.06 (c)(1)e. prohibits fences that are made of chain-link to be placed within the front yard of non-industrial property, and Section 1250.04.06 (d)(2) prohibits fences topped with barbed wire within 30 feet of residential property and without written approval of the zoning administrator.

The applicant is requesting the variances to align with Homeland Security recommendations for critical infrastructure.

ANALYSIS

Section 1274.06 (c)(1)-(4) and (e)(1)-(4) of the Zoning Code sets forth the criteria and standard which must be used to evaluate a variance request:

- Does a Practical Difficulty or Unnecessary Hardship exist?
- Is the Location, Size and Character in harmony with surrounding uses?
- Will the request Impact on Vehicular and Pedestrian Traffic?
- Will a precedent regarding future land use patterns be set as a result of the request?

In 2021, chain-link fencing with barbed wire was installed along the parking lot at the east property line. While the barbed wire along the sidewalk was required to be removed, staff worked with the applicant to allow the chain-link and barbed wire along the other sides to remain.

The proposed section of fencing under review extends northeast from an existing fence post at the west property line with the residential property at 2810 E Saginaw St. to the west entrance of the circle drive, east to the east exit of the circle drive, continuing to the property line with the commercial property at 2840 E Saginaw St. then south concluding at an existing fence post. (please see Exhibit)

Practical Difficulty Criteria

Several criteria are described in Section 1274.06 (c) for the Board to consider in determining the adequacy of a practical difficulty:

1. The hardship results from the application of this Zoning Code to the subject property, rather than from some other factor.
2. The hardship is not the result of the applicant's own actions.
3. The hardship is unique to the property of the applicant.
4. If the owner of the property complies with this Zoning Code, they can secure no reasonable return from, or make no reasonable use of, their property.

With respect to the first criterion, the request is directly related to ordinance regulation. Section 1250.04.06 (c)(1)a. and Section 1250.04.06 (c)(1)e. prohibit fences with a minimum 50% visibility, such as chain-link, from being taller than four feet in the front yard. These regulations are in place for aesthetics, orderly development, and clear visibility of sightlines. Consideration of sightlines is satisfied because the fence as proposed would be set back from the property line across the entrance and exit of the circle drive.

Chain-link is prohibited in front yards of non-industrial property not just for aesthetic purposes, but also because the material is relatively quick to wear and rust and plant overgrowth can intertwine through the gaps especially vines and scrub trees.

Section 1250.04.06 (d)(2) prohibits fences topped with strands of barbed wire without zoning administrator approval and within 30 feet of residential property for safety and aesthetic considerations.

The second criterion is met based on the applicant's need to comply with Department of Homeland Security recommendations for critical infrastructure as a regional media broadcaster. Staff understands that some concessions such as fence height are appropriate in this instance.

The third criterion relates to whether there is something unique about the subject property that warrants relief from a particular ordinance provision. In other words, if there are exceptional conditions relating to the site that distinguish it from most other properties that are subject to the same restrictions. By assuring that the request is adequate to differentiate it from a claim that could be made by most other property owners, the intent of the ordinance standard is preserved. In this case, there is nothing unique about the subject property that would warrant approval of the requested variance. While the land use of the property as a regional media broadcaster is relatively unique, it has been at this location since the mid-1950s without perimeter chain-link and barbed wire.

The fourth criteria are not applicable in this case as the building and use have been here for nearly 70 years

The subject property is located at one of the busiest intersections of the city along E Saginaw St. and Howard/US-127, in between commercial and residential properties. While complying with recommendations for critical infrastructure from the Department of Homeland Security is a valid hardship and should be accommodated, staff believes there are alternative proposals that would satisfy the applicant's needs, while upholding the intent and purpose of the City's zoning ordinance. The perimeter could be tightened by utilizing different types of security designs such as bollards or boulders. Furthermore, since wrought iron is a more appropriate fence material and much less climbable than chain-link, a variance to permit a taller wrought iron fence to a height acceptable to the applicant would make the need for barbed wire redundant. It would also satisfy the concerns outlined by staff in this report and would seem to satisfy the Homeland Security requirements as well.

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.**

There are no chain-link fences in the front yards of any other commercial or residential properties in the surrounding area and its appearance (see attached photographs) would be out of character with the area in which it is located. Installing a barbed wire fence next to residential property and along one of the most heavily traveled streets in Lansing, near highway exit/on ramps makes it even less appropriate.

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 fence extending over the entrance and exit of the circle drive is a point of concern. The applicant must confirm that no vehicles will ever be lined up along Saginaw St. waiting to enter the circle drive and access the front entrance.

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 to warrant relief from the ordinance, approval of the requested variance could set a negative precedent for future requests to vary the restrictions on chain-link fences with barbed wire in front yards, not just in the vicinity of the subject property but throughout the City in general. Safety concerns related to the use of the property can be satisfied through other methods.

FINDINGS

The information does not support a finding that the requested variances are consistent with the variance evaluation criteria set forth in Sections 1274.06 (c) & (e) of the Zoning Ordinance.

Complying with Homeland Security recommendations is a valid necessity for the applicant, however, there seem to be alternative methods that would satisfy the applicant's needs as well as the goals and intents of the City's zoning ordinance. Staff is supportive of the variance to Section 1250.04.06 (c)(1)a. to permit a fence higher than 4-feet that is at least 50% see-through set back from the front property line. Using a different fence material to of a greater height is more appropriate in this location.

RECOMMENDATION

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

"I make a motion to deny BZA 4087.24 for a variance to permit a 6-foot-high chain-link fence with barbed wire at 2820 E Saginaw 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."

"I make a motion to approve a variance to permit a non-chain-link fence that is at least 6-feet high but no higher than 8-feet, and is at least 50% visually open (i.e. wrought iron) in the front yard at 2820 E Saginaw Street, the location shown on the attached survey provided by the applicant."

Respectfully Submitted,

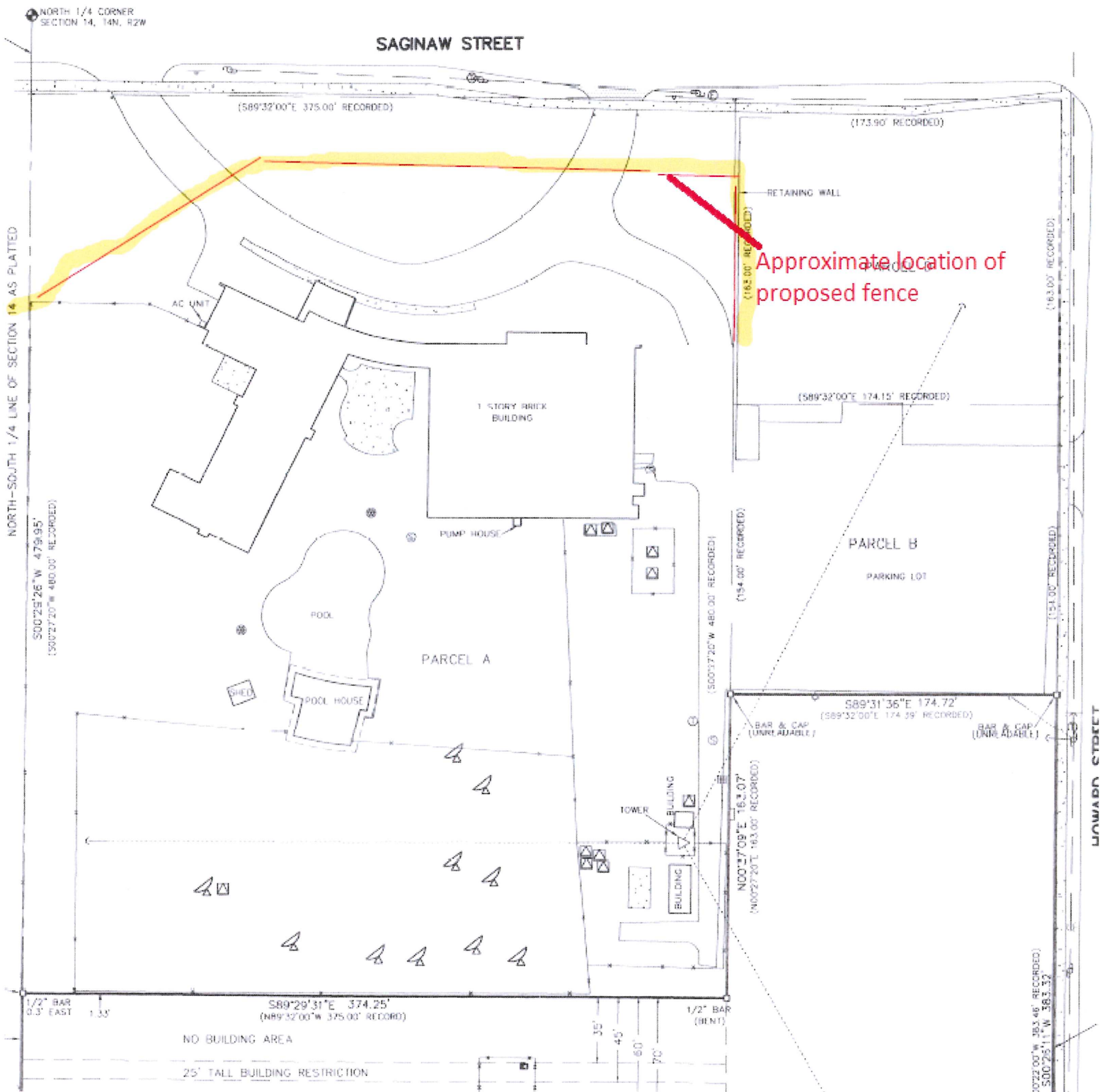
Susan Stachowiak
Zoning Administrator

View of existing fence from Howard Street



View of site from Saginaw Street





E Saginaw St

U S - 1 2 7

Legend:

Red - Property line

Orange - Existing chain-link fence

Yellow - Chain-link with barbed wire

Blue - Proposed chain-link with barbed



GENERAL INFORMATION

APPLICANT/OWNER: Aaron Wallace
1015 Westmoreland Avenue
Lansing, MI 48915

REQUESTED ACTION: Variances to permit outdoor storage and an 8-foot-high front yard fence.

EXISTING LAND USE: Bicycle Repair & Sales

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

PROPERTY SIZE & SHAPE: Rectangular Lot – 53' x 128' = 6,784 sq. feet - (2.03 acres)

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

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

MASTER PLAN DESIGNATION: The Design Lansing Master Plan designates the subject property for low-medium density residential use. E. Mt. Hope Avenue is designated as a prime connection and as Rundle Avenue is designated as a local road.

REQUEST

This is a request to permit an 8-foot-high chain-link fence in a front yard and to permit the outdoor storage of bicycles that are on display for sale at 800 W. Mt. Hope Road. Sections 1250.04.06(c)(1)(d) & (e) of the Zoning Ordinance prohibit chain link fences in front yard and restrict the height of fences in front yards to a maximum of 3 feet (4 feet if it is at least 50% visually open and does not obstruct vision from any angle). Section 1250.03.03(a) prohibits any vision obstruction above a height of 3 feet within a corner clearance area of 10 feet at the intersection of a driveway and right-of-way line and Section 1243.03 requires items displayed in the outdoors to be buffered by an 8-foot-wide strip of green space between the display area and the front property lines, landscaped in accordance with Chapter 1252 of the Zoning Ordinance.

Permitted/Prohibited	Proposed
Maximum fence height of 3-feet within a front yard	8-foot-high fence in front yard
Chain-link fences prohibited in front yard	Chain-link fence (covered in part by a tarp)
No visual obstructions within a 10-foot corner clearance area at the intersection of a driveway and property line	Bicycles and a tarp over the fence within the 10-foot corner clear vision area
Outdoor sales/display area required to be buffered by an 8-foot-wide landscape strip along the front property line	Sales/display area is located approximately 2 feet from the front property line with no landscape buffer strip

BACKGROUND INFORMATION

The applicant previously operated his bicycle sales/repair business out of his home at 1015 Westmoreland Avenue, in violation of the Zoning Ordinance. In 2021, he sought and was denied a variance from the Board of Zoning Appeals to permit him to continue operating his business at that location. He subsequently relocated his business to 800 W. Mt. Hope Avenue. The City's Commercial Code Enforcement Officer has cited the applicant for the violations listed above, who, in response has filed for the variances that would be necessary to permit the fence and outdoor display/sales area in its current location. If the variances are denied, the applicant can continue operating his business on the property, subject to removal of the chain link fence and either removal of the outdoor display/sales area or relocation thereof, and installation of the required landscape buffer strip.

ANALYSIS

Practical Difficulty or Hardship

The applicant asserts that the fence is necessary to prevent theft and vandalism and that the fenced area is necessary for him to store his vast inventory of bicycles.

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 ordinance standard and not setting a negative precedent for future requests of a similar nature.

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 complies with the first criterion as the variances are directly related to the fence, corner clearance, and landscaping ordinance regulations, rather than from some other factor. The second criterion regarding whether the applicant created a hardship or practical difficulty that is being used to justify the variances is not applicable in this case as there are no unique features of the site that present a practical difficulty or unnecessary hardship for the applicant in complying with the ordinance requirements. The site is perfectly rectangular, has no uneven topography, has adequate access and parking and is of reasonable size for a typical bicycle sales/repair business. The variances are based solely on the applicant having more bicycles than what can be accommodated on the site under the ordinance requirements and on the choice to construct an 8-foot-high chain link fence in the front yard rather than a fence that would comply with the ordinance provisions.

The third criterion also 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. Granting a variance when it cannot be established that there is a practical difficulty that is markedly unique based on a physical feature of a site would render the Ordinance ineffective in accomplishing its intended purpose and would set a negative precedent for approval of other variance requests of a similar nature. In this case, no practical difficulty associated with the site could be discerned. Denial of the requested variances will not prohibit the applicant from operating his business on the property. The applicant would, however, need to remove the fence or install a new fence in a location and of the materials/height permitted by ordinance and significantly reduce the size of the outdoor display area to accommodate the required landscape buffer. The bicycles that are on display cannot be in a junk condition and must be stored in a manner that they can be accessed by store staff or potential customers. Bicycles that are being repaired or are in a junk condition must be stored inside of the building.

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.**

The outdoor storage and the 8-foot-high chain-link fence are not harmonious with the appropriate and orderly development of the surrounding area. In fact, the appearance of the site in its current condition could have significant impacts on property values in the area and on the ability of nearby homeowners to sell their properties. The subject property is surrounded by single family residential uses, with the exception of a church that is located at the southeast corner of the Mt. Hope/Rundle intersection. As evidenced by the attached photographs, the outdoor storage area and fence are completely out of character with and not appropriate for the area in which the site is located. Many of the bicycles in the storage area appear to be in a junk condition and given the way they are crowded into the fenced area, it seems unlikely that the applicant or someone looking to purchase a bicycle would even be able to access them, thus making it more of a storage area, which is not permitted on the subject property, than a sales/display area which is permitted, subject to the Zoning

Ordinance requirements described in this report (landscaping, setback, corner clearance, etc.).

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 bicycles that are being stored on the site are located within the 10-foot corner clearance area where the driveway intersects the property line. This is a serious safety hazard when exiting the site as it restricts a motorist's ability to react to on-coming traffic on the sidewalk and on the street.

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

The outdoor storage and fence have not generated any nuisances such as noise, fumes/odors, and light glare. They have, however, had a negative impact on the appearance of the site, thus causing a visual nuisance in the predominantly residential area in which the site is located. This appearance of the site has been further diminished by the applicant recently covering the fence along the front of the storage area with a black tarp.

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 site that would warrant relief from the ordinances, approval of the variances would set a negative precedent for future requests to vary the fence and outdoor storage provisions of the Zoning Ordinance.

FINDINGS

This is a request to permit an 8-foot-high chain-link fence in a front yard and to permit the outdoor storage of bicycles that are on display for sale at 800 W. Mt. Hope Road. Sections 1250.04.06(c)(1)(d) & (e) of the Zoning Ordinance prohibit chain link fences in front yard and restrict the height of fences in front yards to a maximum of 3 feet (4 feet if it is at least 50% visually open and does not obstruct vision from any angle). Section 1250.03.03(a) prohibits any vision obstruction above a height of 3 feet within a corner clearance area of 10 feet at the intersection of a driveway and right-of-way line and Section 1243.03 requires items displayed in the outdoors to be buffered by an 8-foot-wide strip of green space between the display area and the front property lines, landscaped in accordance with Chapter 1252 of the Zoning Ordinance.

Based upon the available information, the requested variances do not comply with the applicable practical difficulty/unnecessary hardship, or the impact 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 deny BZA 4088.24 for variances to permit the outdoor storage/display of bicycles within the required 10 foot clear vision area at the intersection of the driveway and the front property line and within the required 8 foot landscape buffer, and to permit an 8-foot-high chain-link fence in the front yard at 800 W. Mt. Hope Avenue, 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

722 W Mount Hope Ave
Lansing MI 48910
United States
Aug 2, 2024 at 12:25:35 PM



1852-1898 S Rundell Ave
Kansing MI 48910
United States
Aug 2, 2024 at 12:24:46 PM



1840 S Rundle Ave
Lansing MI 48910
United States
Aug 2, 2024 at 12:24:24 PM



1852-1898 S Rundle Ave
Lansing MI 48910
United States
Aug 2, 2024 at 12:25:13 PM

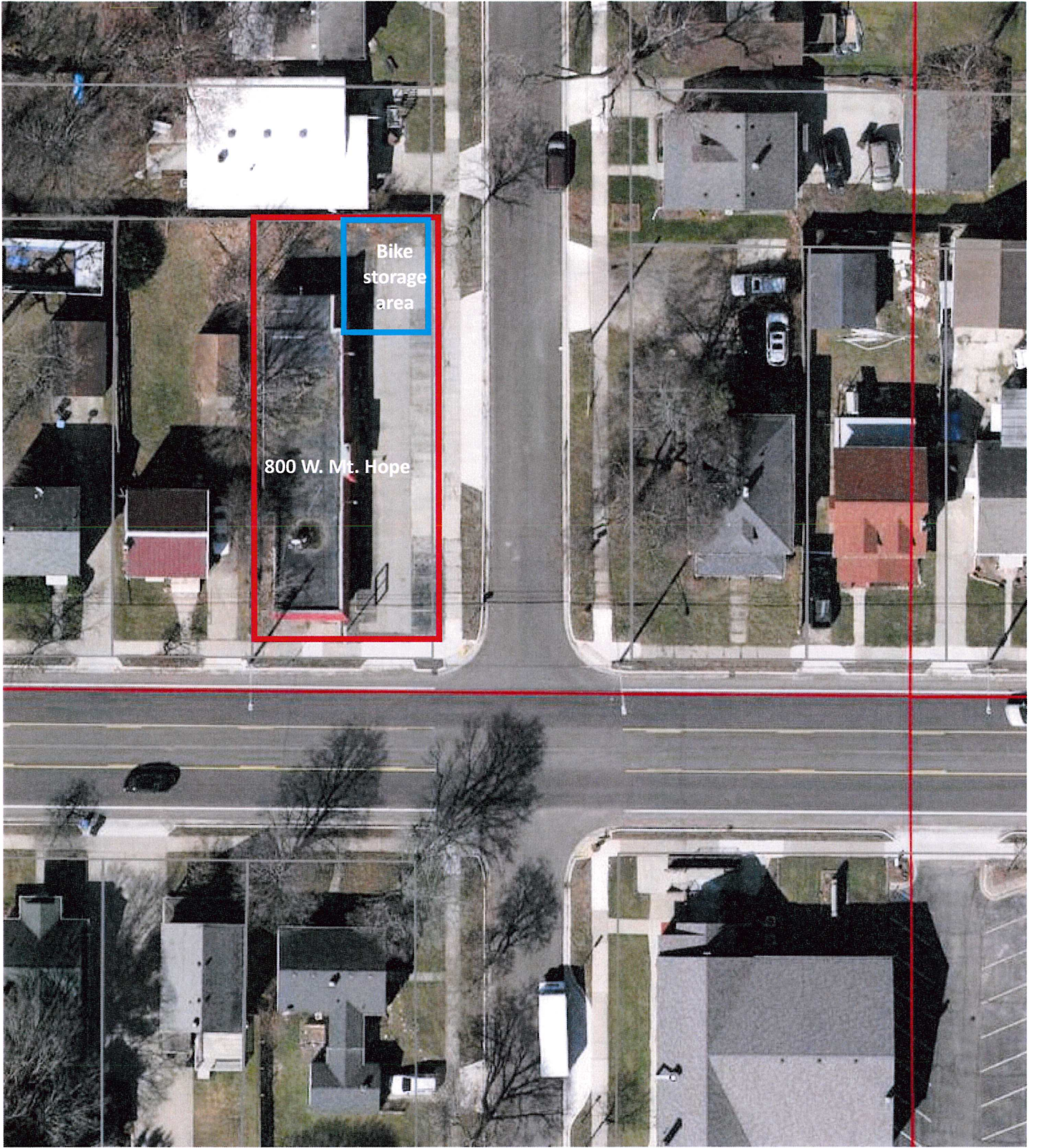




800 W Mount Hope Ave
Lansing MI 48910
United States
Apr 8, 2024 at 2:49:12 PM

800 W Mount Hope Ave
Lansing MI 48910
United States
Apr 8, 2024 at 2:49:25 PM





MINUTES OF REGULAR MEETING – DRAFT
BOARD OF ZONING APPEALS
Thursday, June 13, 2024, 6:30 P.M.
316 N Capitol Ave. Suite C-2, Lansing, MI 48933

I. ROLL CALL

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

Present: M. Alling, K. Berryman, M. Jackson, E. Jefferson, J. Leaming, H. Lowry

Absent: B. Fryling (excused), C. Iannuzzi (excused), M. Rice (excused)

Staff: A. Fedewa

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 Ms. Jefferson to approve the agenda with the addition of “Excused Absences” under New Business. On a voice vote, the motion carried unanimously (6-0).

III. PUBLIC COMMENT - None

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.

Mr. Fedewa presented the staff report and recommendation to deny the request to permit a gravel parking space in the side yard at 425 Shepard Street. Section 1254.01.08 (a) of the Zoning Ordinance requires all driveways and parking areas to be hard surfaced with Portland cement or asphalt. He stated that there is nothing unique about the subject property that would warrant approval of an alternative surface such as gravel or patio stones, and thus, approval of the variances would set a negative precedent for future requests to permit alternative parking surfaces, particularly in residential neighborhoods. He also pointed out that the applicant has adequate parking on the site that is in compliance with current ordinance requirements.

Mr. Fedewa stated that the applicant’s request would be contrary to the intent and purpose of the ordinance which is intended to maintain the orderly appearance of residential neighborhoods and to protect the environment from hazardous chemicals that leak from vehicles and contaminate the ground water. He explained that 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.

Mr. Fedewa stated that the applicant has been parking on a gravel surface next to the driveway and when he was recently cited for doing so, he placed patio stones over the gravel, 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, since patio stones/blocks are made for and intended to be used as a walking surface, not for vehicle parking.

Mr. Lowry asked what kind of pavers were approvable by the city. Mr. Fedewa answered that no standards are detailed in the zoning ordinance but generally they consider pavers of a similar material such as concrete and of a thickness comparable to poured concrete, four to six inches, as acceptable. The city would not allow common patio or garden pavers as they are not suitable for the job of storing vehicles and would likely break under the weight of a vehicle.

Mr. Leaming asked if the city accepts concrete 'ribbons', that is two rows of poured concrete equal to the width of wheel treads, instead of complete concrete slabs. Mr. Fedewa answered that ribbons are acceptable, and that the city does recommend them to reduce the costs for homeowners.

Mr. Jackson asked for clarification on acceptable parking spaces in front of the front building wall. Mr. Fedewa explained that in no instance can a parking space be in front of the house, but that a resident is permitted to extend their driveway from the main strip in front of the garage or next to the house, usually at a 45-degree angle, out to the side of the garage or into the side or rear yard.

Ms. Alling opened the public hearing.

William Parsley, 425 Shepard Street, spoke in favor of his request, and stated that he believes the gravel parking has been in existence since the former house on the vacant lot adjacent to the subject property was built in 1926 and it is therefore, legally nonconforming. Mr. Parsley stated that during his interactions with Code Enforcement he was given a pamphlet that stated gravel was a permitted use since it existed prior to 1974 and that a resident can use asphalt, poured concrete, or brick/concrete pavers. It was because of this pamphlet that Mr. Parsley continued to use the yard parking space but eventually installed concrete pavers.

David Pillsbury, 331 Jones Street, spoke in support of the variance.

David Anderson, 446 Everett Street, spoke in support of the variance.

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

Mr. Lowry asked how many vehicles are usually parked at the residence. Mr. Parsley answered that he has two vehicles.

Mr. Leaming asked if the driveway and the pavers have to be connected. Mr. Fedewa answered that the pavers have to extend directly from the driveway so that the vehicles

do not cross over the yard. Mr. Leaming asked the applicant to confirm that he will connect the pavers to the driveway if they are approved by the Board.

Mr. Leaming made a motion, seconded by Ms. Jefferson to deny BZA 4085.24, variance to Section 1254.01.08 (a) of the Zoning Ordinance to permit a gravel parking space, on a finding that the request does not comply with variance evaluation criteria listed in Sections 1274.06 (c) and (e) of the Zoning Ordinance. On a roll call vote the motion carried unanimously (6-0).

Mr. Leaming made a motion, seconded by Mr. Berryman, to allow the applicant to continue using concrete pavers as an approved solid surface on the condition that he connects the pavers directly to the existing driveway. On a roll call vote the motion carried unanimously (6-0).

B. BZA-4086.24, 128 Regent Street, Variances to architectural requirements of Section 1246.04.01 of the Zoning Ordinance for a new single family residential dwelling.

A letter from Joan Nelson in support of the variance was presented to the Board.

Mr. Fedewa presented the staff report, and recommendation to deny the request for multiple variances to the architectural standards of Section 1246.04.01. He stated that the purpose of the architectural requirements is to guarantee that residential houses in a neighborhood are of a similar style, size, and position, which protects the character of the neighborhood, thus protecting property values as well.

Mr. Fedewa reviewed the variances and the sketches of the proposed house design that were provided by the applicant. He said that 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.

Mr. Fedewa stated that the proposed house size and architectural design is based solely on the desire to construct a Mid-Century style house. He said that 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. Mr. Fedewa stated that the neighborhood surrounding the subject does not include mid-

century modern styled homes that are found elsewhere in the City such as in the Tecumseh River neighborhood or various southside neighborhoods. Mr. Fedewa said that Mr. Muylle's other houses in the Cottage Lane development demonstrate a cohesive blend of contemporary houses in the craftsman and vernacular styles. The variance requests stem solely from the desire for an incompatible house style rather than a hardship or practical difficulty due to the application of the zoning ordinance on the subject property and therefore, staff recommends denial of the variances.

Ms. Jefferson asked if the roof requirement language was different between residential and commercial properties. Mr. Fedewa stated that the same requirements are listed for standard single-family residential, commercial-residential (apartments), and mixed-use or commercial properties.

Mr. Jackson asked for the definitions for a cornice and a parapet. Mr. Fedewa answered that a cornice is an architectural element, a band that is either simple or ornamental, that extends horizontally along the roof or parapet of a building. A parapet is a false wall extending above the roof of a building usually as an architectural feature and to conceal roof-mounted mechanical equipment.

Mr. Muylle detailed the history of his 'Cottage Lane' development and the architectural components of his proposed house. He said that Cottage Lane was a planned unit development to include 12 renovated and new-built houses on a limited number of parcels. A planned unit development was granted by City Council to permit flexibility from the zoning ordinance. Mr. Muylle stated that the last house was always intended to be a part of the development and he chose this housing style to add variety to the neighborhood while complementing the mid-century apartment directly across the street built in 1966. Mr. Muylle mentioned another mid-century house in the Eastside, less than one-half mile away on LaSalle Blvd.

Mr. Muylle stated that this site has a few practical difficulties. The north portion of the property contains a drain easement which constricts how wide the house may be built. The drain easement also limits the available space for a driveway so Mr. Muylle is proposing that the carport be placed in front of the front building wall, the same as to two other homes he built on Leslie St.

Mr. Muylle stated he calculated 11% window coverage along the south wall and 8% along the north wall. The roof is slanted with a 10' clearance height in the west end to 7' at the east end. The house will be built at grade for accessibility.

Ms. Jefferson asked if staff would expect to have a cornice and parapet on a mid-century modern house, if the east (front) and west elevations met the fenestration requirement, and if any other cottage lane houses were in mid-century modern style. Mr. Fedewa replied that a cornice and parapet are not typical of mid-century modern houses, but they do have a sloped roof in an irregular style either saltbox, inverted, or disjointed. The rule is in the ordinance to guarantee that rainwater runs off the roof and so that dwellings match other houses in the area. The elevations Mr. Muylle provided depict proposed fenestration that meets the frontage requirement of 20%. Mr. Muylle stated that other houses in the cottage lane development are craftsman and vernacular to match the existing houses he rehabilitated, but this last house is meant to add variety to the neighborhood while complementing the apartment building across the street.

Mr. Lowry asked what the distance will be from the drain easement to the building envelope. Mr. Muylle answered that although the parcel is 50' wide the easement which has a slight dip in elevation takes up about 10' feet of that then there is an existing walkway connecting Regent St. to Leslie St. that is used by residents as well neighbors. The proposed house will take up 20' of the remaining space while providing a small side setbacks from that walkway and the south property line.

Ms. Alling opened the public hearing.

Berl Schwartz spoke in support of the variances.

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

Mr. Leaming asked if the carport would extend closer to Regent St. than the required front setback. The edge of the carport will be 13' from the public sidewalk. Mr. Fedewa stated that the front setback is 20' and that porches are allowed to extend up to 7'. Staff will confer with the zoning administrator to confirm proper placement.

Mr. Lowry stated that he believes the proposed building has a practical difficulty meeting the fenestration requirement due to it being placed in between the existing house to the south and the interior walkway because of the drain easement. There is a need to minimize conflicts for privacy in the bathroom and bedroom next to the established walkway.

Ms. Jefferson made a motion, seconded by Mr. Lowry to approve BZA-4086.24, 24 for variances to permit 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, with an interior height of 7 feet, less than 10% of the north and south walls of the proposed building covered by windows/glass doorways, no covered front porch, or porch elevated at least 18 inches above grade. On a roll call vote the motion carried unanimously (6-0).

V. OLD BUSINESS – None

VI. NEW BUSINESS

A. Excused Absences

Mr. Leaming made a motion, seconded by Ms. Jefferson to approve excused absences for Mr. Fryling, Mr. Iannuzzi, and Mr. Rice. On a voice vote, the motion carried unanimously (6-0).

VII. APPROVAL OF MINUTES

A. Regular Meeting, April 11, 2024

Ms. Alling stated that Mr. Rice chaired and called the meeting to order in her absence.

Ms. Jefferson made a motion, seconded by Mr. Leaming to approve the April 11, 2024, meeting minutes, with the correction noted by Ms. Alling. On a voice vote, the motion carried unanimously (6-0).

VIII. PUBLIC COMMENT - None

IX. ADJOURNMENT AT 8:07 p.m.

Respectfully Submitted,

Susan Stachowiak, Zoning Administrator