
MINUTES OF REGULAR MEETING – *Approved 9/12/2024*
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