



LANSING BOARD OF ZONING APPEALS
Regular Meeting
Thursday, October 10, 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-4090.24**, 500 S Martin Luther King Jr. Boulevard, Variances to Sections 1250.04.01 (a)(6), 1250.04.01 (a)(7) and 1250.04.01 (a)(8) of the Zoning Ordinance to permit an accessory garage in the front yard, with a height of 16 feet and 3-⁷/₈ inches, and constructed with steel siding and roofing **1**

V. OLD BUSINESS

VII. NEW BUSINESS

VI. APPROVAL OF MINUTES

- A.** Regular Meeting, September 12, 2024 **2**

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: Union Missionary Baptist Church
500 S MLK Jr. Boulevard.
Lansing, MI 48915

REQUESTED ACTION: Variances to the allowable location for an accessory structure, maximum height of an accessory structure, and allowable building materials for an accessory structure.

EXISTING LAND USE: Church

EXISTING ZONING: “DT-1” Urban Edge

PROPERTY SIZE & SHAPE: Irregular lot – 455' x ~750' = 6.64 acres

SURROUNDING LAND USE: N: Single-Family Residential
S: Interstate freeway, parking lot
E: Vacant, Single-Family Residential
W: Single-Family Residential

SURROUNDING ZONING: N: “R-6a”, “R-MX” Residential, Mixed Residential
S: “IND-1” Suburban Industrial
E: “DT-1” Urban Edge
W: “R-6a” Urban Residential

MASTER PLAN DESIGNATION: The Design Lansing Comprehensive Plan designates the subject property as a medium low-density residential district, which allows for places of worship as a special land use.

REQUEST

This is a request for variances to permit an accessory garage in the front yard at 500 S Martin Luther King Jr. Boulevard, that would be 16 feet, 3^{7/8} inches in height and constructed of metal siding and roofing materials. Section 1250.04.01 (a) of the Zoning Ordinance prohibits accessory structures in a front yard, restricts the height to 15 feet, and requires the structure to be constructed of materials that are consistent with the principal building on the property.

Required	Proposed
Accessory structures not permitted in a front yard	Accessory garage in front yard
15-foot maximum building height	16 feet, 3 ^{7/8} inches, building height
Design and building materials consistent with the character of the principal building on the property	Metal siding and roofing

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 property at 500 S MLK Jr. Blvd. is unique in that it is entirely surrounded by public rights-of-way. As shown on the attached aerial view, the property is bordered to its north, east and west by S. MLK Jr. Blvd. and W. St. Joseph Street to its south. Since the entire site from the church building at the north end of the site to the south property line is considered a front yard by zoning ordinance definition, there is no location on the site where an accessory structure of any reasonable size could be placed where it would not be located in the front yard. This presents a practical difficulty for the Church in constructing a storage building that it needs in order to house and secure vehicles and equipment associated with its operations. Open storage of equipment and materials is not permitted on the subject property. The layout of the site (location of the church building at the far north end) and its entire frontage abutting public rights-of-way are unique features of the site that warrant relief from the ordinance in accordance with evaluation criterion 1 as described above,

Accessory structures are limited to 15 feet in height, measured from grade to the midpoint between the eave and uppermost point of the structure. The additional height being requested (1 foot, 3^{7/8} inches) is minimal and is necessary in order to accommodate commercial grade equipment and vehicles that the Church uses to maintain its property and meet the needs of its operations. Since the structure will not be located where it would negatively impact adjoining or nearby properties in terms of blocking views, casting shadows and being out of scale with other structures in the area in general, the additional height being requested will not be contrary to the intent and purpose of the ordinance and thus, denial of the variance would cause an unnecessary hardship on the applicant.

While the proposed storage structure will not be consistent in design and materials with the existing masonry Church building on the site, adding landscaping around the building as described in the staff recommendation will soften its view from the streets so that it is not contrary to the intent and purpose of the ordinance which is to preserve the appearance of properties along public streets. If the variance is denied, the proposed building would have to be of masonry construction which would be cost prohibitive for the Church and unnecessary since the landscaping would preserve the intent and purpose of the ordinance.

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.**

Front yard parking detracts from the goal of a cohesive built environment as envisioned in the *Design Lansing* Comprehensive Plan and Form-Based Zoning Code. The zoning ordinance requires a green space buffer of 8 feet in width between all public sidewalks and parking lots, that must be landscaped with a combination of shrubs and trees. The intent of this requirement is to create an appealing streetscape by softening the view of parking lot. The staff recommendation on page 4 of this report includes a condition that the applicant install landscaping and screening in accordance the standards of Chapter 1252 of the zoning ordinance along S. MLK Jr. Blvd. and W. St. Joseph St. adjacent to the proposed structure so that the intent of the ordinance is met by softening the view of the parking lot and the proposed structure.

The Board of Zoning Appeals may attach any conditions to its approval which it finds necessary to accomplish the reasonable application of the standards described under these impact standards, per the State of Michigan Zoning Enabling Act Section 125.3604 (7) and Section 1274.08 of the Zoning Ordinance.

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 garage will be located on the existing parking lot near the southwest corner of the subject property and will have no impact on vehicular or pedestrian traffic. The Church has excess parking that is not needed for its operations and therefore, the garage will not result in creating a parking deficiency.

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

Staff is recommending that a landscaping buffer planted with a combination of shrubs and trees be installed around the garage to soften its view, thus preserving the streetscape and fulfilling the intent of the ordinance to do so.

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

The placement of the 60' x 40' accessory garage on the Church's parking lot will only affect the subject property. It is not expected to impact property values or discourage any future development in the area.

To soften the visual impact of a 2,400 square feet storage garage in the middle of a parking lot, staff requests the Board of Zoning Appeals require the property owner to screen the area with shrubs and trees.

FINDINGS

Based upon the available information, the requested variances comply with the applicable practical difficulty/unnecessary hardship and the impact criteria contained in Sections 1274.06 (c) and 1274.06 (e) of the Zoning Ordinance.

RECOMMENDATION

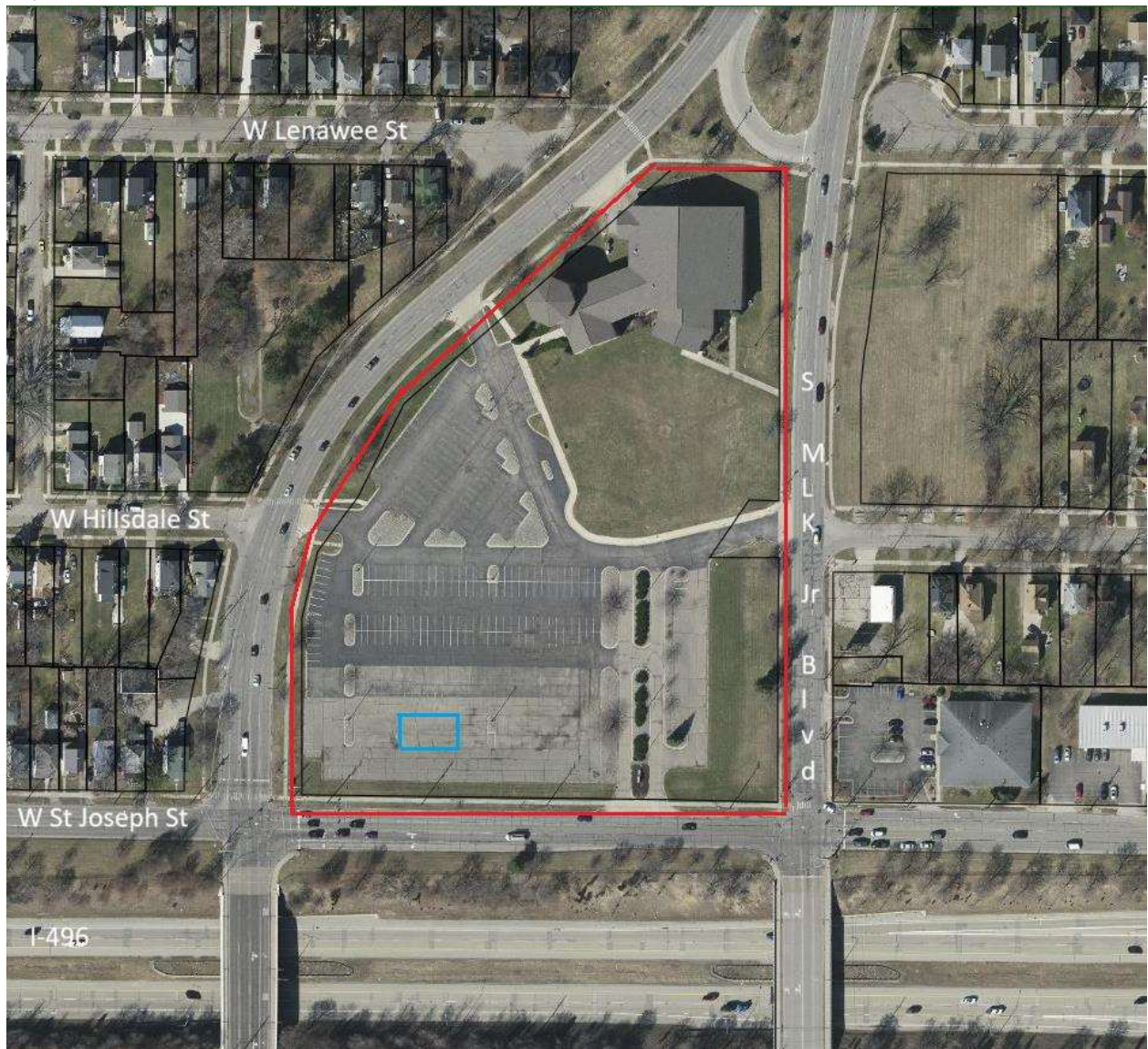
Based on the information and findings described in this report, the following motion is offered for the Board's consideration:

“I make a motion to approve BZA 4090.24 for variances to Sections 1250.04.01 (a)(6), 1250.04.01 (a)(7), and 1250.04.01 (a)(8) of the Zoning Ordinance to permit an accessory garage in the front yard at 500 S. M. L. King Jr. Boulevard that would have a height of 16 feet, 3^{7/8} inches, and would be constructed of steel siding and roofing, with the condition that the property owner plant 1 shrub for every 10 linear feet and 1 tree for every 30 linear feet of frontage along S. M. L. King Jr. Boulevard and W. St. Joseph Street adjacent to the proposed garage location, on a finding that the request complies with the variance evaluation criteria listed in Sections 1274.06 (c) & (e) of the Zoning Ordinance.”

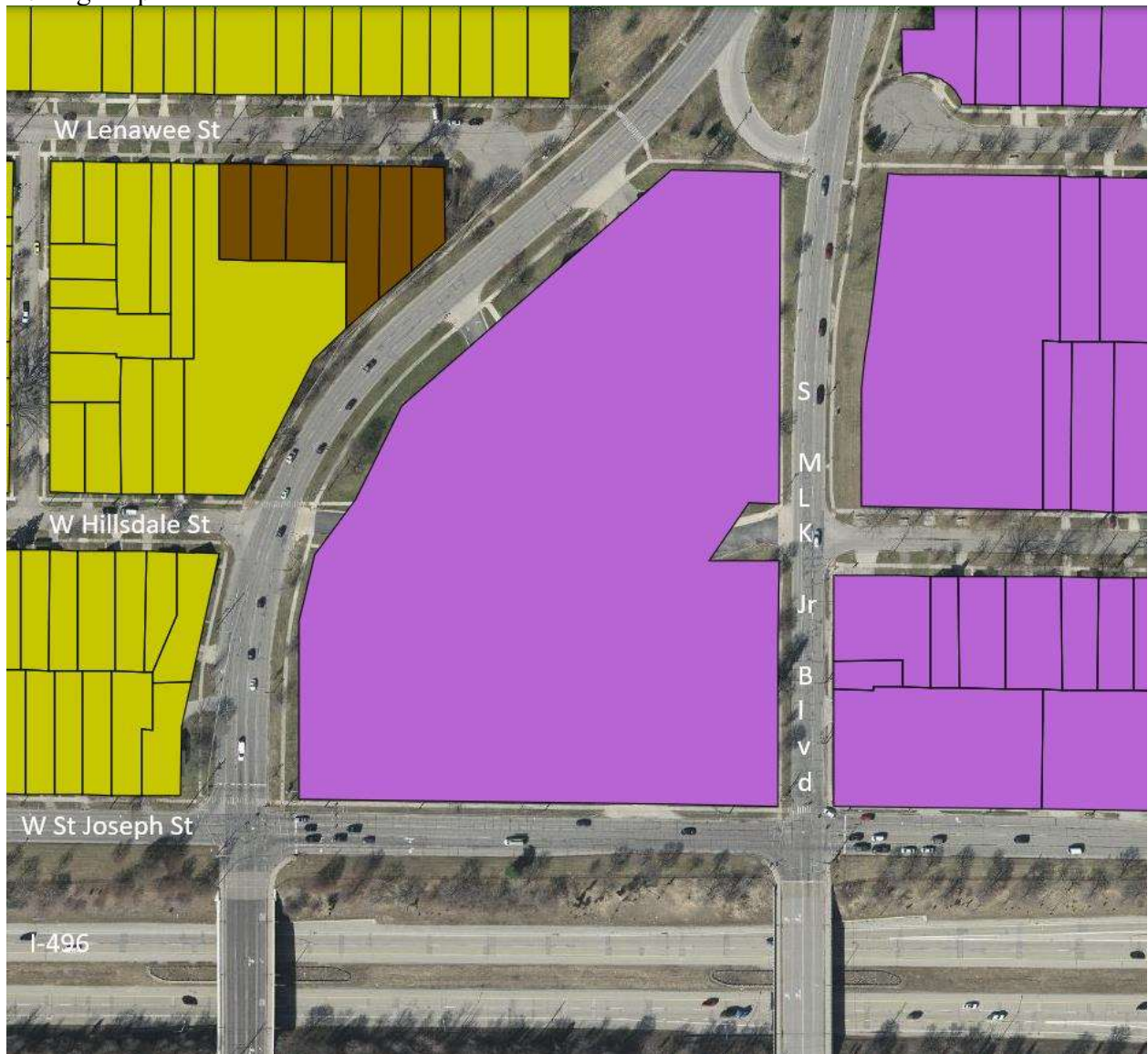
Respectfully Submitted,

Susan Stachowiak
Zoning Administrator

Aerial



Zoning Map



View looking west from W St. Joseph St.



View looking north from W St. Joseph St.

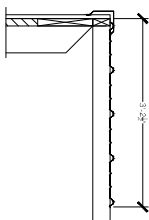


View looking northeast from W St. Joseph St.

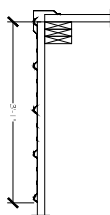


View looking east from S MLK Jr. Blvd.





ROOF STARTER PANEL
SCALE: 1" = 1'-0"



SIDEWALL STARTER PANEL
SCALE: 1" = 1'-0"



ENDWALL STARTER PANEL
SCALE: 1" = 1'-0"



500 S. Martin Luther King Jr Blvd
Lansing, MI 48915

SHEET TITLE:
BUILDING ELEVATIONS

SEAL

[illegible]

Reset Form

Print Form



Andy Schor, Mayor

CITY OF LANSING - PLANNING OFFICE

PETITION

BOARD OF ZONING APPEALS

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): 500 S. MARTIN L. KING BLVD. LANSING MI. 48915

Legal
Description:

BUILDING A STORAGE UNIT FOR LAWN EQUIPMENT AND
POSSIBLE A VAN.

Applicant Name: UNION MISSIONARY BAPTIST CHURCH

Address (include zip code): 500 S. MARTIN L. KING BLVD. LANSING MI. 48915

Phone Number: (517) 485-7705

Owner Name: SAME AS ABOVE

Owner Address (include zip code): _____

Owner Phone: _____

Interest in Property (please check one)

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

Is this property in the flood plain?

Zoning of the property: _____ Lot dimensions: _____ X _____ ☐ Yes ☒ No

Is this property residential? ☐ Yes ☒ No

of Efficiency Units: _____ # of 1 Bedroom Units: _____ # of 2 Bedroom Units: _____ # of 3 Bedroom Units: _____

Total # of Units: _____ Total # of Bedrooms: _____ # of accessible on-site parking spaces: _____

Is this property non-residential? ☒ Yes ☐ No

of employees (largest shift): 3 # of accessible on-site parking spaces: 100 +

Hours and days / week of operation: FIVE DAYS 8-4pm

Describe or explain your proposal for this property:

attach a separate sheet if more space is necessary

THE CHURCH WANT TO BUILD A STORAGE UNIT TO HOUSE OUR LAWN EQUIPMENT AND A FUTURE VAN PURCHASE. WE NEED THE UNIT FOR SECURITY REASONS.

Section # with which this proposal is in conflict: _____

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

attach a separate sheet if more space is necessary

WE WILL NOT HAVE A PLACE TO SECURE OUR EQUIPMENT FROM BEING VANDALIZED OUT IN THE OPEN AREA OF THE CHURCH

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 (5/6/24)

FEES:

Consolidated Rate:

\$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: _____

CHARLES HINTON (TRUSTEE)

For assistance, please contact:

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

MINUTES OF REGULAR MEETING – *DRAFT*
BOARD OF ZONING APPEALS
Thursday, September 12, 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 6:31 p.m.

Present: M. Alling, K. Berryman, B. Fryling, J. Leaming, H. Lowry, M. Rice, M. Jackson
(Planning Commission representative)

Absent: C. Iannuzzi (excused), E. Jefferson

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. Rice, seconded by Mr. Fryling to approve the agenda with the addition of “Excused Absences” under New Business. On a voice vote, the motion carried unanimously (7-0).

III. PUBLIC COMMENT - None

IV. PUBLIC HEARING/ACTION

- A. BZA-4089.24, 2201 E Michigan Avenue, Variances to Sections 1252.06 (b)(1) and 1254.01.11 (g) of the Zoning Ordinance to permit front yard parking without adequate access by means of maneuvering lanes and waive the parking landscaping setback requirement.**

Mr. Fedewa presented the staff report stating this request from Christopher Garino was to permit a parking space in a front yard without access by a maneuvering aisle. Section 1252.06 (b)(1) requires a landscaping setback of eight (8) feet between the public sidewalk and the parking lot edge, which must be planted with grass and a combination of shrubs and trees. Section 1254.01.11 (g) states “all parking spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street is prohibited”.

Mr. Fedewa stated that the site had been prepped for the parking before the Planning and Zoning Office was made aware and notified the applicant of the need for a variance. The property has historically been used as a two-family residential house and mixed-use office/residence. The property already has a parking pad to the rear of the house accessed from N Magnolia Ave. Any new parking surface would have to conform to the current zoning ordinance. N Magnolia Ave. and E Michigan Ave. have on-street parking

Mr. Fedewa stated that many businesses along E Michigan Ave. have small or limited off-street parking lots which is the purpose of having on-street parking along both sides of the street to satisfy their need. Although the subject property is small there is otherwise nothing unique about it and its land use is of a low intensity.

The Planning and Zoning Office recommended denial of the variance

Mr. Garno spoke on the history of the subject property stated that his tenants have received parking tickets due to the overnight parking ban. The building has alternately been used for residential or mixed-use with offices. It has periodically been on the market for sale. Mr. Garno is working on applying for a façade improvement grant.

Staff clarified that there is currently no overnight parking ban for the past few years.

Ms. Alling asked if the building is occupied. Mr. Garno stated that he has some of his offices out of the building and the second unit is rented as a short-term rental.

Mr. Leaming asked when Mr. Garno purchased the property. Mr. Garno answered 2008.

Mr. Lowery asked Mr. Garno to speak on the hardship he faces with not having one additional parking space. Mr. Garno answered that his users require off-street parking and that he believes there is a safety issue since passers-by check inside vehicles.

Ms. Alling asked Mr. Garno if he has discussed renting spaces from the nearby business or church adjacent to him. Mr. Garno answered that he has asked and that both property owners declined to rent him parking spaces.

Mr. Berryman asked for the logistics of parking two cars in perpendicular spaces at the same time.

Mr. Leaming asked what has changed in the last 16 years to require additional parking space and if two spaces will make the property more marketable. Mr. Garno stated that he needs space for the office use.

Ms. Alling opened the public hearing.

Ryan Kost, N Magnolia Ave., spoke on the safety of parking in the neighborhood and stated as a council member on the Committee on Public Safety that they are not discussing a new overnight parking ban. Mr. Kost spoke in opposition of the variance.

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

Mr. Rice stated that the zoning ordinance has considered corner properties to have two front yards for years and that front-yard parking sets a bad precedent. Mr. Rice said that the property is small but it is along two streets that has plenty of on-street parking.

Mr. Lowery made a motion, seconded by Mr. Rice to deny BZA 4089.24, 2201 E Michigan Avenue, Variances to Sections 1252.06 (b)(1) and 1254.01.11 (g) of the Zoning Ordinance to permit front yard parking without adequate access by means of maneuvering lanes and waive the parking landscaping setback requirement. On a roll call vote the motion carried unanimously (7-0).

V. OLD BUSINESS**A. BZA-4087.24, 2820 E Saginaw Street, Variance to Section 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 a front yard**

Ms. Alling introduced the request from the August 8, 2024 meeting and spoke on the public hearing comments made.

Mr. Fryling asked for clarification on the variance requests.

Mr. Leaming asked if WLNS received funding from the Department of Homeland Security and whether this request stemmed from their requirements or their recommendation. Marci Daniels, Vice President and General Manager of Nexstar Broadcasting Inc., spoke on her company's request and answered that the variance request came up in response to current safety threats. Ms. Daniels read a statement from Matt Helmkamp of the Michigan State Police. Mr. Leaming asked if WLNS would install a wrought iron fence as supported by city staff.

Mr. Jackson asked where on the subject property's grounds the attack Ms. Daniels mentioned took place. Ms. Daniels stated that an individual attacked cars near the north driveway.

Ms. Leaming asked if WLNS had security personnel on the property.

Mr. Fryling asked if the property has existing barbed wire. Mr. Fedewa answered that WLNS installed chain-link with barbed wire along N Howard St. and the southern property line before the current zoning regulations were in effect, but the city required the property owner to remove barbed wire from the fence adjoining the street as it was a major safety hazard.

Mr. Leaming made a motion, seconded by Mr. Rice to deny BZA-4087.24, 2820 E Saginaw Street, Variance to Section 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 a front yard. On a roll call vote the motion carried unanimously (7-0).

Mr. Leaming made a motion, seconded by Mr. Jackson, to approve a variance to Section 1250.04.06 (c)(1)a. 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. On a roll call vote the motion carried unanimously (7-0).

B. BZA-4088.24, 800 W Mt. Hope Avenue. Variances to Sections 1250.04.06 (c)(1)d. and e., 1250.03.03 (a), 1243.03, and Chapter 1252 of the Zoning Ordinance to permit an 8-foot-high chain-link fence in a 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.

Ms. Alling introduced the request from the August 8, 2024 meeting and spoke on the public hearing comments/communications made.

Mr. Berryman asked if the building on the subject property is being used. Mr. Fedewa answered that the building is full of stacked bicycles.

Mr. Rice asked when the fence was installed. Mr. Fedewa answer that the fence was installed after the applicant moved into the building sometime after May 2021 and that he has expanded it and added tarp-like covering.

Mr. Lowry made a motion, seconded by Mr. Leaming to deny BZA-4088.24, 800 W Mt. Hope Avenue. Variances to Sections 1250.04.06 (c)(1)d. and e., 1250.03.03 (a), 1243.03, and Chapter 1252 of the Zoning Ordinance to permit an 8-foot-high chain-link fence in a 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. On a roll call vote the motion carried unanimously (7-0).

VI. NEW BUSINESS

A. Excused Absences.

Mr. Leaming made a motion, seconded by Mr. Jackson to approve an excused absence for Mr. Iannuzzi. On a voice vote, the motion carried unanimously (7-0).

VII. APPROVAL OF MINUTES

A. Regular Meeting, June 13, 2024

Mr. Leaming made a motion, seconded by Mr. Rice to approve the June 13, 2024, meeting minutes as proposed. On a voice vote, the motion carried unanimously (7-0).

VIII. PUBLIC COMMENT - None

IX. ADJOURNMENT AT 7:41 p.m.

Respectfully Submitted,

Susan Stachowiak, Zoning Administrator