
MINUTES OF REGULAR MEETING – *Approved 10/10/2024*
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 Garno 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