



Andy Schor
Mayor

LANSING BOARD OF ZONING APPEALS

Regular Meeting

Thursday, January 9, 2025, 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-4091.25**, 804 Clyde Street and vacant lot between 808 and 818 Clyde Street
– Variance to the height restriction for a front yard fence.....1

V. OLD BUSINESS

VII. NEW BUSINESS

VI. APPROVAL OF MINUTES

- A. Regular Meeting, October 10, 20242

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: Mid-Michigan Recovery Services
316 Moores River Drive
Lansing, MI 48910

REQUESTED ACTION: Variance to permit a 6-foot-high front yard privacy fence

EXISTING LAND USE: Substance Abuse Inpatient Treatment Facility

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

PROPERTIES: 804 Clyde - Irregularly Shaped Parcel
Vacant lot between 808 & 818 Clyde -Rectangular Parcel

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

SURROUNDING ZONING: N: "R-6A" Urban Detached Residential
S: "INST-2" Institutional
E: "R-6A" Urban Detached Residential
W: "R-6A" Urban Detached Residential

MASTER PLAN DESIGNATION: The Design Lansing Master Plan designates the subject properties for medium-low density residential use. W. Oakland Avenue and S. M. L. King Jr. Blvd. are both designated as arterial corridors.

BACKGROUND INFORMATION

The fence that is the subject of this request is approximately 85% complete. The fence was being constructed when the owner was notified by the City that it did not comply with the Zoning Ordinance. In response, the owner immediately halted construction and is seeking a variance to allow the fence that has already been constructed to remain and to allow completion of the remainder of the fence (the posts are already in place) that runs parallel to E. Oakland Avenue.

Mid-Michigan Recovery Services (MMRS) owns and utilizes the buildings at 813 and 817 N. M. L. Jr. Blvd. for residential substance abuse treatment facilities. MMRS also owns the adjoining property to its south at 804 Clyde Street, located at the northwest corner of W. Oakland and N. M. L. King and the property to its east located between 808 and 818 Clyde Street. The fencing that is the subject of this request is located on the Clyde Street properties.

REQUEST

This is a request for a variance to permit a 6-foot-high wood privacy fence in the front yards of the corner property at 804 Clyde Street and the interior property located between 808 and 818 Clyde Street. Section 1250.04.06 (c)(1)(a.) of the Zoning Ordinance restricts fences in a front yard to a maximum height of 3 feet. A variance of 3 feet to the height restriction is therefore, being requested.

Permitted	Proposed
3-foot-high fence	6-foot-high fence

Corner lots have 2 front yards as the front yard of a lot is defined by the Zoning Ordinance as the area between the primary structure and the front lot line(s) which are the lines parallel to the street(s). In the case of the subject properties where there are no structures to define the front yards, the entire lots are considered front yards and thus, no fences of any height are permitted. If the lots were to be combined, the houses at 813 and 817 N. M. L. King would be used to define the front yards. The requested variance would still be necessary as the front yards would then be the areas between the applicant's buildings along N. M. L. King and the property lines along Oakland Avenue and Clyde Street.

ANALYSIS

Practical Difficulty or Hardship

The basis for the applicant's request is to provide safety and security for the residents of its treatment facilities. Given the nature of this request, the issue of whether there is a "practical difficulty" associated with the properties that prevent compliance with the ordinance or makes it unreasonable difficult is not applicable. For the variances to be approved in this case, the Board must find that the fence would be consistent with the intent of the ordinance and therefore, denial of the variances would place an unnecessary hardship on the applicant. In other words, a finding that the variance would not set a negative precedent for future requests of a similar nature since it based upon unique circumstances that preserve the intent of the ordinance standards.

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 results from the application of this Zoning Code to his or her lot, rather than from some other factor.
2. The hardship is not the result of his or her own actions.
3. The hardship is peculiar to the lot of the applicant.
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 variance is directly related to the ordinance restriction on the height for front yard fences. With respect to the second criterion, the issue that forms the basis for the applicant's request could be considered a self-created hardship as the applicant chose properties for its treatment facilities that would not allow for the fencing that it deems necessary for the protection of its residents.

The third criterion relates to whether there is something unique about the properties in question that warrant relief from a particular ordinance provision. In other words, if there are exceptional conditions relating to the sites that distinguish them 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 properties that set them apart from any others where relief may be sought from the fence height restriction. In addition, the fence on the corner property at 804 Clyde Street is contrary to the one of the primary intents and purposes of the ordinance which is to preserve the appearance of the streetscapes by not allowing privacy fences that create a “wall” effect along the City’s corridors. The other intent and purpose of the ordinance is to limit the height of fences in front yards so as to not to impact visibility for motorists when exiting driveways or turning at street intersections. The fence at 804 Clyde Street is located far enough back that it does not impact traffic safety in the area. It does, however, impact the appearance of the streetscape along Oakland Avenue. With respect to the interior lot between 808 and 818 Clyde Street, the fence is not only located far enough back that it will not impact traffic safety, but it also has no impact on the streetscape as it is located entirely behind the adjoining houses. Since the fence on the property between 808 and 818 Clyde Street is not contrary to the intent and purpose of the ordinance, denial of the variance for that location would create an unnecessary hardship on the owner.

The other consideration relates to whether there is a viable use of the property without the variance. This standard is typically applied to use variances, however, which require a much higher threshold than a ‘dimensional’ variance such as this one.

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 fence on the property between 808 and 818 Clyde Street has no impact on the surrounding neighborhood. It is located entirely behind the houses on the adjoining properties and provides privacy for the residents of those properties, as well as the residents of the treatment facilities. The fence on the corner property at 804 Clyde Street is contrary to the intent and purpose of the ordinance as described in this report and thus, approval of a variance to permit the fence at that location to remain/be completed could set a negative precedent for future requests to vary the fence height restriction, particularly on corner lots.

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 fence is located far enough back from the adjoining roadways that it does not impact visibility for motorists exiting driveways or turning at street intersections in the area.

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.**

See response to item 1 above.

FINDINGS

This is a request for a variance to permit a 6-foot-high wood privacy fence in the front yards of the corner property at 804 Clyde Street and the interior property located between 808 and 818 Clyde Street. Section 1250.04.06 (c)(1)(a.) of the Zoning Ordinance restricts fences in a front yard to a maximum height of 3 feet. A variance of 3 feet to the height restriction is therefore, being requested.

The available information does not support a finding that the requested variance for the property at 804 Clyde Street (corner lot) complies with the applicable criteria listed in Sections 1274.06 (c) and 1274.06 (e) of the Zoning Ordinance. This evaluation does support a finding that the fence on the property between 808 and 818 Clyde Street, is consistent with the applicable criteria as it is not contrary to the intent and purpose of the ordinance restricting the height of front yard fence as described in the preceding sections of this report.

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 4091.25 for a variance to permit a 6-foot-high wood privacy fence in the front yard at 804 Clyde Street and to approve a variance to permit the 6 foot high wood privacy fence as it currently exists in the front yard on the property located between 808 and 818 Clyde Street on a finding that the variance at that location is consistent with the evaluation criteria listed in Sections 1274.06 (c) & (e) of the Zoning Ordinance.”

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator



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): 813 and 817 N. MLK Jr. Blvd. Lansing, MI 48915

Legal
Description:

813 is Lot 4 Oakdale Add 817 is Lot 5 Oakdale Add. Please note MMRS owns lots: 5, 4, 3, 2, 29, 27 and 26 as shown in the attached survey. Lots 29, 27 and 26 with frontage on Clyde Street

Applicant Name: Patrick Patterson, Agent

Address (include zip code): 316 Moores River Drive, Lansing, Mi 48910

Phone Number: 517.887.0226 x 111

Owner Name: Mid Michigan Recovery Services (MMRS)

Owner Address (include zip code): 316 Moores River Dr Lansing, Mi 48910

Owner Phone: 517.887.0226 x 111

Interest in Property (please check one)

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

Zoning of the property: R-6A Lot dimensions: 250 x 160 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: _____ Total # of Bedrooms: _____ # of accessible on-site parking spaces: _____

Is this property non-residential? ☒ Yes ☐ No

of employees (largest shift): 2 # of accessible on-site parking spaces: 12

Hours and days / week of operation: 8:00 am- 10:00 pm each day

Describe or explain your proposal for this property:

attach a separate sheet if more space is necessary

Requesting approval variance to fence ordinance requirements to ensure security of residents/prevent unauthorized entry. Requested variance to allow a six-feet-high wooden fence on lots deemed to be front yard lots, pursuant to September 26, 2024 email from Zachary Driver. Requested fence does not obstruct line of sight for intersections, driveways for vehicular or pedestrian traffic.

Section # with which this proposal is in conflict: 1250.04.06

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

attach a separate sheet if more space is necessary

Residents are at risk of harm.

Items to be submitted with the petition:

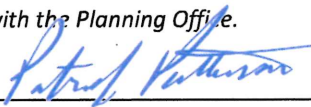
- 1 **A site plan drawn to a scale of at least 1" = 100'** showing the location of all structures, existing and proposed, in relation to the lot lines and access points.
- 2 **Flood plain information** where applicable.
- 3 Non-refundable fee for processing (7/14/98)

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.

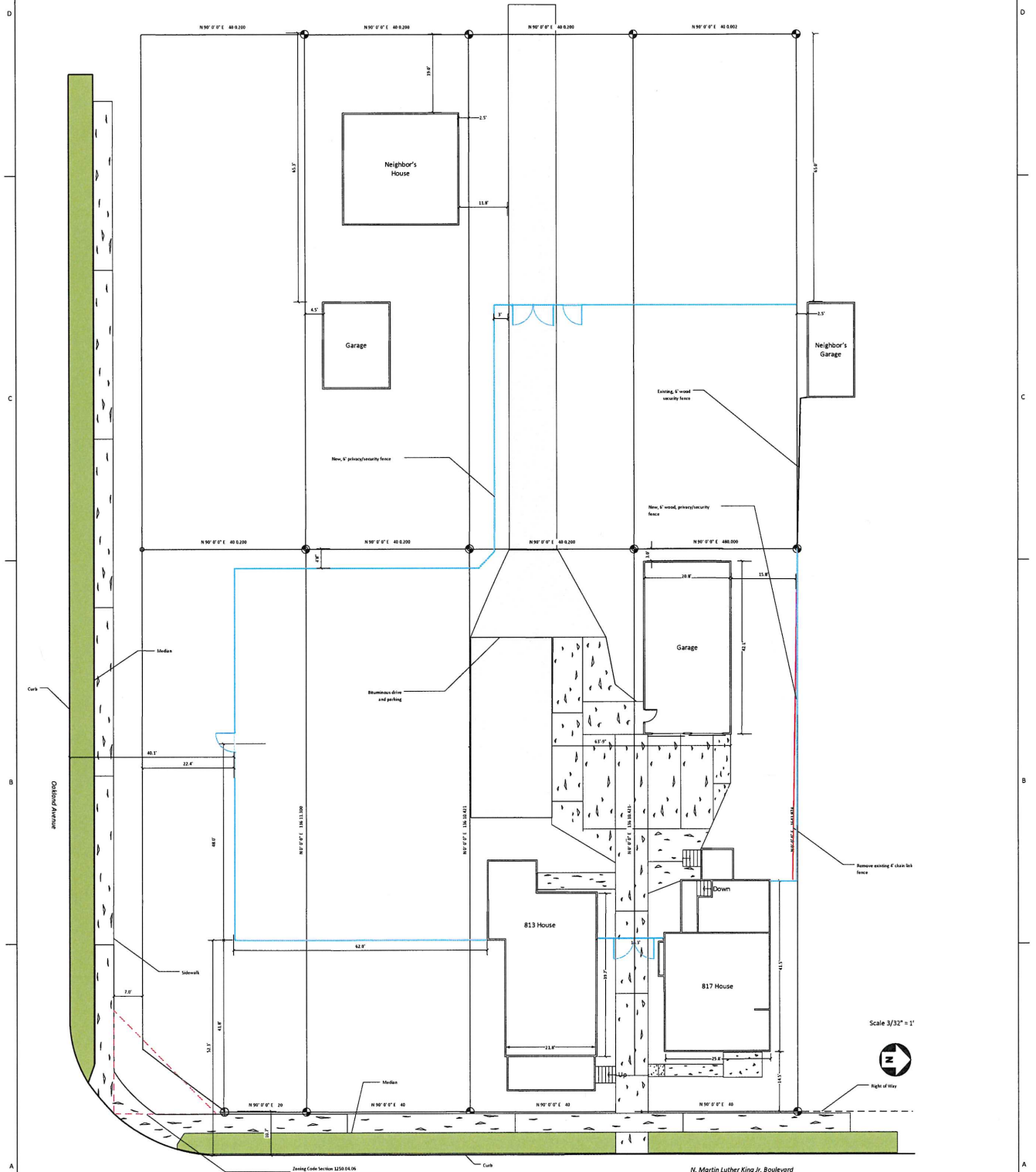
Signature of applicant: 

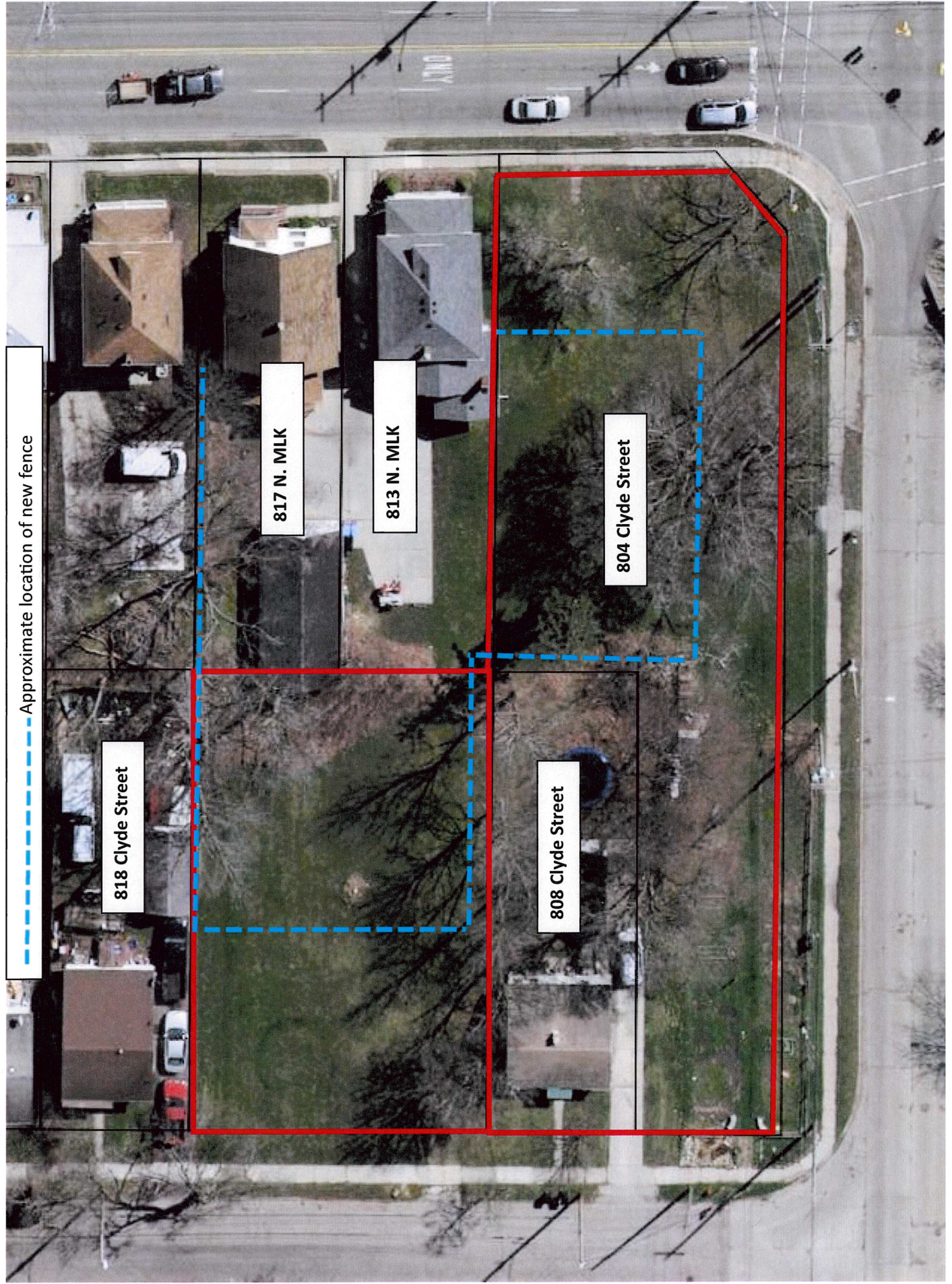
Name: Patrick Patterson

For assistance, please contact:

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

Mid-Michigan Recovery Services	Site Plan for Zoning Board of Appeals			
December 19, 2024	24	1/2"=1'	Sheet No.	101
004	3/32" = 1' 0"	100	100	100





Approximate location of new fence

818 Clyde Street

817 N. MLK

813 N. MLK

804 Clyde Street

808 Clyde Street



UNAUTHORIZED
VEHICLES REMOVED
AT OWNER'S RISK
AND EXPENSE
24 HOURS A DAY
NORTHSIDE
SERVICE
587-313221
ADDITIONAL FEES
APPLY TO ALL
VIOLATIONS







MINUTES OF REGULAR MEETING – DRAFT
BOARD OF ZONING APPEALS
Thursday, October 10, 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, B. Fryling, C. Iannuzzi, E. Jefferson, H. Lowry, M. Rice, M. Jackson (Planning Commission representative)

Absent: J. Leaming (excused)

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. Rice to approve the agenda with the addition of “Excused Absences” under New Business. On a voice vote, the motion carried unanimously (8-0).

III. PUBLIC COMMENT - None

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.**

Ms. Stachowiak presented the request from the Union Missionary Baptist Church 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. She stated that 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. Ms. Stachowiak recommended approval of the variances 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.

The subject property is unique in that it is entirely surrounded by public rights-of-way, 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 could be placed where it would not be located in the front yard.

Ms. Stachowiak stated that the subject property is unique in that it is entirely surrounded by public rights-of-way which means that the entire site from the church building at the north end to the south property line is considered a front yard by zoning ordinance definition and thus, 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. She explained that 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. She also said that the landscaping is intended to soften the view of the structure, and the additional building height (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

Ms. Alling opened the public hearing.

Charles Green, representing Union Missionary Baptist Church, stated that the Church needs space for housing two transport vehicles for their various ministries, lawn care equipment and other items that need to be stored within an enclosed building. He stated that it has become very dangerous to cross the street to get to their site on the east side of S. M. L. King with lawn equipment and that the Church building itself has been hit by motor vehicles four times.

Michael Fulton, FBi Buildings Inc., presented colored renderings of the proposed building showing that the colors were chosen to match the Church building.

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

Ms. Jefferson asked the applicants if they would agree to the condition for landscaping. The applicants answered that they accept the need for landscaping. The applicants asked for permission to postpone the deadline for landscaping until spring 2025. Ms. Stachowiak replied that the Church would be able to delay planting the shrubs and trees until the weather is appropriate in the Spring of 2025.

Mr. Fryling asked for clarification on the requested height of the accessory garage and asked if the Church will relocate all of their equipment out of the building at 601 S MLK Jr. Blvd. Charles Hinton replied that the Church's vans will need the additional height for the overhead doors. Mr. Hinton said that the Church will remove all equipment from 601 S MLK Jr. Blvd., and they will explore selling that property.

Mr. Rice and Ms. Jefferson expressed their support for the variance, conditioned upon the landscaping as recommended by staff. Mr. Lowry stated that he spoke with residents in the area, none of whom are opposed to the variances and thus, he is also supportive of the request.

Mr. Iannuzzi made a motion, seconded by Mr. Rice 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. On a roll call vote, the motion carried unanimously (8-0).

V. OLD BUSINESS – None

VI. NEW BUSINESS

A. Excused Absences.

Ms. Jefferson made a motion, seconded by Mr. Rice to approve an excused absence for Mr. Leaming. On a voice vote, the motion carried unanimously (8-0).

VII. APPROVAL OF MINUTES

A. Regular Meeting, September 12, 2024

Mr. Lowry made a motion, seconded by Mr. Jackson to approve the September 12, 2024 meeting minutes as presented. On a voice vote, the motion carried unanimously (8-0).

VIII. PUBLIC COMMENT - None

IX. ADJOURNMENT AT 7:50 p.m.

Respectfully Submitted,

Susan Stachowiak, Zoning Administrator