

Approved: 9/13/07
Clerk: 3/18/08

**MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS
August 9, 2007 7:30 P.M.
CITY COUNCIL CHAMBERS, 10TH FLOOR CITY HALL**

I. ROLL CALL

The meeting was called to order by Chairman Burgess at 7:30 p.m. Chairman Burgess read the BZA introduction. Roll call was taken.

Present:

B. Burgess F. Lain A. Frederick G. Hilts B. McGrain G. Swix

Absent: M. Mayberry E. Horne

Staff: S. Stachowiak

A. A quorum of at least five members was present, allowing voting action to be taken at the meeting.

II APPROVAL OF AGENDA

B. McGrain moved, seconded by G. Swix to approve the agenda with the addition of “excused absences” under new business.

On a voice vote, the motion carried 6-0.

III. HEARINGS/ACTION

1. BZA-3910.07, 2720 Meadowlane Drive

This is a variance request by Jack & Susan Pettit to permit the three (3) sheds that currently exist at 2720 Meadowlane Drive. Section 1248.03(5) of the Zoning Ordinance permits one (1) shed on each single family residential lot. A variance of two (2) to the allowable number of sheds is therefore, being requested. Staff recommended denial of the request on a finding that the variance would not be consistent with the practical difficulty criteria of Section 1244.06 (c) or the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application.

Jack Pettit, 2720 Meadowlane Drive, spoke in support of the request. Mr. Pettit said that one of the sheds is a changing room for the pool in the summer and storage of pool supplies in the winter. He said that one of the sheds is for lawn equipment and the third shed is for general storage. Mr. Pettit said that as he and his wife age, the need for ground floor level storage becomes more important and they felt that the individual sheds would be far more pleasing than having one large storage barn.

Mr. Swix asked if Mr. Pettit had a contractor build the sheds and how long ago they were

built.

Mr. Pettit said that the sheds were built professionally and they were built at different times over the past 7 years. He said that the sheds are very nice with cedar siding and cedar shake roofs.

Elizabeth Prince, 3622 Gleneden Drive, spoke in support of the request. She said that she lives 4 houses down from the Pettits and they have the nicest property in the neighborhood. She also said that the sheds are very nice looking and have no impact on the neighborhood.

Ronald Turner, 2633 Wyckham Drive, spoke in support of the request. He stated that the sheds have no negative impacts on the neighborhood.

Mr. Burgess asked if anyone else wished to address the Board. Seeing none, the Board moved into the Committee of the Whole.

Mr. Swix stated that the sheds are very nice but that approval of this variance could set a negative precedent for future requests of this nature.

Mr. Frederick stated that the property on S. Washington Avenue, just south of Kensington Road, that has multiple sheds in the yard is the reason why the ordinance restricting the number of sheds was put into place. He said that the subject property is much different from the property on S. Washington but, in order to be fair and equitable, one request cannot be approved and the other denied.

Mr. Lain stated that the applicant's property is the largest in its area. He also stated that if he had a pool, he would want a changing room in addition to his shed and garage.

Ms. Stachowiak stated that the applicant's lot is 10 times larger than a typical lot that is allowed to have 1 shed and therefore, the additional sheds in proportion to the lot size, would be reasonable.

Mr. Burgess stated that this request is similar to the requests for larger signs on big box stores. He said that the Board has determined in the past that the larger buildings could have some additional wall signage since the signage would be proportionate to the building size.

Mr. Frederick stated that it is also similar to the larger garages for the units in College Fields. He also stated that the uniqueness in this case appears to be the lot size.

Mr. McGrain stated that he could support this request.

F. Lain moved to approve BZA-3910.07, a variance of 2 to the allowable number of sheds at 2720 Meadowlane Drive, with the condition that the sheds remain in harmony with the character of the existing house in terms of design, color and materials, based on the following findings:

1. **The variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application;**
2. **The number of sheds in proportion to the lot size is reasonable;**

- 3. The total square footage of the sheds is less than what the applicant would be able to construct with one storage building; and
- 4. The variances would be consistent with the spirit and intent of the Zoning Ordinance.

Seconded by B. McGrain.

VOTE	YEA	NAY
McGrain	X	
Swix	X	
Hilts	X	
Burgess	X	
Lain	X	
Frederick	X	

Motion carried, 6-0, BZA-3910.07, was approved.

B. BZA-3911.07, 1419 Linval Street

This is a variance request by the Greater Lansing Housing Coalition to permit a new, attached garage at 1419 Linval Street that would have side and rear yard setbacks of 1 foot. Section 1250.08 of the Zoning Ordinance requires a 3.3 foot side yard setback and Section 1250.09 requires a 30 foot rear yard setback in the "C" Residential zoning district which is the designation of the property at 1419 Linval Street. Variances of 2.3 feet to the required side yard setback and 29 feet to the required rear yard setback are therefore, being requested. Staff recommended approval of the request on a finding that the variances would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application.

Mikki Myszak, 1017 W. Lapeer, representing the Greater Lansing Housing Coalition, spoke in support of the variance request. Ms. Myszak stated that they are buying a red tagged property and spending approximately \$110,000 to rehabilitate the structure and sell it to a low-moderate income family. She said that the City Development Office is requiring a garage as part of the project and the proposed location is the only possible location on the site for a garage. She said that the garage will be replacing an existing garage and will be located even slightly further in on the property from what currently exists.

Mr. McGrain stated that for the record, he is friends with Ms. Myszak and she is on the Board that he works for.

Mr. Burgess asked if anyone else wished to address the Board. Seeing none, the Board moved into the Committee of the Whole.

Mr. Frederick stated that the practical difficulty is very evident since no garage could be

constructed on the lot without a variance.

A. Frederick moved to approve BZA-3911.07, a variance of 2.3 feet to the required side yard setback and 29 feet to the required rear yard setback to permit the construction of an attached garage at 1419 Linval Street, on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application, with the condition that the applicant try to secure a 3 foot easement from the adjoining property owners along the south and east sides of the garage for maintenance purposes. Seconded by G. Swix.

VOTE	YEA	NAY
Swix	X	
Lain	X	
Hilts	X	
Burgess	X	
McGrain	X	
Frederick	X	

Motion carried, 6-0, BZA-3911.07, was approval.

VI. OLD BUSINESS

- E. Rules of Procedure - No action
- B. BZA-3817.04, 1014 S. Pennsylvania Avenue - No action

VII. PUBLIC COMMENT - none

VIII. APPROVAL OF MINUTES

A. Minutes of Regular Meeting held June 14, 2007

A. Frederick moved, seconded by B. McGrain to approve the minutes of June 14, 2007.

Mr. McGrain stated that he was present at this meeting and the minutes list him as absent.

On a voice vote, the motion carried unanimously (6-0), to approve the minutes of June 14, 2007 with the correction that Mr. McGrain be listed as having been present for this meeting.

B. Minutes of Regular Meeting held July 26, 2007

A. Frederick moved, seconded by G. Hiltz to approve the minutes of July 26, 2007, as printed. On a voice vote, the motion carried unanimously (6-0).

IX. NEW BUSINESS

A. Excused Absences

B. McGrain moved, seconded by G. Hiltz to approve an excused absence for Ms. Horne from this meeting (August 9, 2007). On a voice vote, the motion carried unanimously (6-0).

G. Hiltz moved, seconded by G. Swix to approve an excused absence for Mr. McGrain from the September 13, 2007 meeting. On a voice vote, the motion carried unanimously (6-0).

X. ADJOURNMENT AT 8:10 p.m.

Respectfully submitted,

Susan Stachowiak, Zoning Administrator