

Approved: 12/13/07  
Clerk: 3/18/08

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**MINUTES OF THE REGULAR MEETING  
BOARD OF ZONING APPEALS  
NOVEMBER 8, 2007 7:30 P.M.  
CITY COUNCIL CHAMBERS, 10<sup>TH</sup> FLOOR CITY HALL**

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**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      A. Frederick      E. Horne      G. Swix      B. McGrain

**Absent:**      F. Lain      M. Mayberry      G. Hilts

**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**

**A. Frederick moved, seconded by E. Horne to approve the agenda with the addition of "Excused Absences" under new business.**

**On a voice vote, the motion carried 5-0.**

**III. HEARINGS/ACTION**

**A. BZA-3917.07, 500 Block, E. Michigan Avenue**

This is a variance request by Patrick Gillespie, Stadium District Partners, LLC. The applicant is proposing to construct the following signs at 500 E. Michigan Avenue:

1.      96 square feet for a building identification sign and 1.08 feet to the allowable projection,
2.      119 square feet to the sign area limitation for the Lansing Regional Chamber,
3.      1 to the allowable number of wall signs and 46 square feet to the sign area limitation for 2 of the retail businesses,
4.      12 square feet to the sign area limitation for 8 of the retail businesses,
5.      12 to the allowable number of projecting signs for the entire structure,
6.      170.1 square feet to the allowable sign area and 4 to the allowable number of wall signs for Fifth Third Bank,
7.      14 feet to the height limitation and 9 square foot to the sign area limitation for 4 general parking directional signs.

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.

Ms. Horne asked if the Lansing Regional Chamber would be vacating their current site on Allegan Street.

**David Farhat, Gillespie Group, 500 E. Michigan Avenue**, spoke in support of the request. He stated that the Regional Chamber will be relocated from their current location, which has been temporary, to the Stadium District.

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

Mr. Burgess stated that the requested variances are very reasonable. He referred to several other cases where variances for more sign area has been approved based upon building size and other factors that are similar to this request.

Mr. Frederick stated that he could support the request. He stated that if the project was located outside of the Central Business District, few, if any variances would be needed for this proposal. He also stated that a lot of the variances that are needed are a result of the parking being located behind the building. He said that rear parking is something that is being strongly encouraged by the Planning Board as it makes for a much more appealing streetscape and promotes a walkable atmosphere.

Mr. McGrain stated that this is a signature building and is located on 3 major thoroughfares which also contributes to its uniqueness.

**G. Swix moved to approve BZA-3917.07, a variance of 96 square feet for a building identification sign and 1.08 feet to the allowable projection, 119 square feet to the sign area limitation for the Lansing Regional Chamber, 1 to the allowable number of wall signs and 46 square feet to the sign area limitation for 2 of the retail businesses, 12 square feet to the sign area limitation for 8 of the retail businesses, 12 to the allowable number of projecting signs for the entire structure, 170.1 square feet to the allowable sign area and 4 to the allowable number of wall signs for Fifth Third Bank, 14 feet to the height limitation and 9 square foot to the sign area limitation for 4 general parking directional signs at 500 E. Michigan Avenue, 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. Seconded by B. McGrain.**

VOTE	YEA	NAY
Burgess	X	
McGrain	X	
Swix	X	
Horne	X	
Frederick	X	

Motion carried, 5-0, BZA-3917.07, was approved.

**B. BZA-3918.07, 5525 S. ML King Blvd.**

This is a variance request by Goodall Construction on behalf of Jack Vanderjagt to construct

an 18 foot by 53 foot addition to the building at 5525 S. ML King that would have a setback of 7.3 feet from the front property line along Haag Road. Section 1260.06 of the Zoning Ordinance requires a front yard setback of 20 feet in the "D-1" Professional Office district. A variance of 12.7 feet to the front yard setback requirement is therefore, being requested. Staff recommended approval of the variance 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.

**Doug Vanderjagt, 1687 Tuscay**, spoke in support of the request. He said that they have a need to add more rooms to the building. He stated that this is the only medical office in the general area and they are experiencing an increased need for their services.

Mr. Frederick asked where the nearest doctor's office was located.

Mr. Vanderjagt stated that it is at Cedar and Jolly and has only 1 physician.

**Roger Donaldson, Architect, 4787 Tartan**, stated that given the site constraints based upon its shape, there is no way to design an addition that would not encroach into the required setbacks. He said that he designed it so that the encroachment would be an minimal as possible.

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 based upon the site plan and the staff analysis. The other board members agreed.

**A. Frederick moved to approve BZA-3918.07, a variance of 12.7 feet to the front yard setback requirement to permit a building addition at 5525 S. ML King, 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. Seconded by G. Swix.**

VOTE	YEA	NAY
Swix	X	
McGrain	X	
Burgess	X	
Horne	X	
Frederick	X	

Motion carried, 5-0, BZA-3918.07, was approved.

**C. BZA-3919.07, 5725 S. Cedar Street**

This is a variance request by Marathon Domestic LLC to construct a 23 foot high, 71.4 square foot, ground pole sign at 5725 S. Cedar Street that would have a setback of zero (0)feet from the front property line. Section 1442.12(h)(5)(B) of the Sign Ordinance requires a 23 foot setback for a sign with these dimensions. A variance of 23 feet to the setback requirement is therefore, being requested. Staff recommended approval of the request 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.

**Kevin Mueller, 5725 S. Cedar Street**, spoke in support of the request. He stated that the sign pole was completely bent to the ground during the storm in August.

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 there is a clear practical difficulty involving the excess right-of-way. He also said that the board has looked favorably upon other variances where the sign or other structure was being brought further into compliance with the Zoning Ordinance. In this case, the variance would also result in the removal of a right-of-way encroachment.

**B. McGrain moved to approve BZA-3919.07, a variance of 23 feet to the setback requirement to permit a ground sign at 5725 S. Cedar 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. Seconded by E. Horne.**

VOTE	YEA	NAY
Burgess	X	
McGrain	X	
Swix	X	
Horne	X	
Frederick	X	

Motion carried, 5-0, BZA-3919.07, was approved.

**VI. OLD BUSINESS**

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

**VII. PUBLIC COMMENT**

**VIII. APPROVAL OF MINUTES**

- A. Minutes of Regular Meeting held October 11, 2007

A. Frederick moved, seconded by E. Horne to approve the minutes of October 11, 2007, as printed.

On a voice vote, the motion carried unanimously (5-0).

**IX. NEW BUSINESS**

**Excused Absence Request**

Mr. McGrain moved, seconded by Mr. Frederick to approve an excused absence for Mr. Lain from this meeting.

On a voice vote, the motion carried unanimously (5-0).

X. ADJOURNMENT AT 8:05 p.m.

Respectfully submitted,

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Susan Stachowiak, Zoning Administrator