

Approved: 7/ /08  
Clerk: 7/ /08

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**MINUTES OF THE REGULAR MEETING  
BOARD OF ZONING APPEALS  
June 12, 2008 7:30 P.M.  
South Precinct Conference Room - 3400 S. Cedar Street**

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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                      E. Horne                      G. Hilts                      M. Mayberry  
B. McGrain                      A. Frederick

**Absent:**                      G. Swix

**Staff:**                      S. Stachowiak                      H. Stanley

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 G. Hilts to approve the agenda with the additions of "Excused Absence" and "South Side Alliance" under new business.**

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

**III. HEARINGS/ACTION**

**A. BZA-3925.08, 714 Brook Street**

This is a request by Franklin Street Community Housing Corporation for a variance to permit a 20 foot wide driveway at 714 Brook Street. Section 1286.01 of the Zoning Ordinance restricts the width of a driveway to 12 feet. A variance of 8 feet to the allowable driveway width 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.

**Bill Acheson, Franklin Street Community Housing Corporation**, spoke in support of the request.

Mr. Burgess asked if anyone else wished to address the Board. Seeing none, the Board

moved into the Committee of the Whole.

Ms. Horne asked if the proposed parking will eliminate the shared driveway.

Ms. Stachowiak stated that the proposed driveway will be the only available parking for 714 Brook Street. She said that the joint driveway will be for use by the next door neighbor only.

The Board Members agreed that the practical difficulty described in the staff report was sufficient to warrant approval of the variance.

**A. Frederick moved to approve BZA-3925.08, a variance of 8 feet to the allowable driveway width in the front yard at 714 Brook 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 G. Hilts.**

VOTE	YEA	NAY
Burgess	X	
Horne	X	
Mayberry	X	
Frederick	X	
McGrain	X	
Hilts	X	

**Motion carried, 6-0, BZA-3925.08, was approved.**

**C. BZA-3926.08, 5621 Picardy Street**

This is a request by Bruce Kruger for a variance to permit an attached garage at 5621 Picardy Street that would have a 9 foot rear yard setback. Section 1248.09 of the Zoning Ordinance requires a minimum rear yard setback of 30 feet. A variance of 21 feet to the rear yard setback requirement is therefore, being requested. Staff recommended approval of a variance to permit an attached garage that would have an 11 foot rear yard setback 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.

**Bruce Kruger, 7721 Williams Road**, spoke in support of the request. He stated that the reduced variance to permit a 24' x 24' garage is acceptable to the property owners.

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

Mr. McGrain stated that the staff recommendation to allow an attached garage that would be even with the back of the existing house would meet the criteria for granting a variance.

**B. McGrain moved to approve BZA-3926.08, a variance of 19 feet to the required rear yard setback**

requirement to permit a 24' x 24' attached garage at 5621 Picardy 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 G. Hilts.

VOTE	YEA	NAY
Burgess	X	
Horne	X	
Mayberry	X	
Frederick	X	
McGrain	X	
Hilts	X	

Motion carried, 6-0, BZA-3926.08, was approved.

**C. BZA-3927.08, 2912 Majestic Circle**

This is a request by D. Charles O'Berry for a variance to permit a sunroom on the rear of the house at 2912 Majestic Circle that would have a 20 foot rear yard setback. Section 1248.09 of the Zoning Ordinance requires a minimum rear yard setback of 30 feet. A variance of 10 feet to the rear yard 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.

**D. Charles O'Berry, 3827 W. Howell Road, Mason, MI**, spoke in support of the request. He stated that the applicant would like to provide an enclosed area for his wife to enjoy since she is disabled. Mr. O'Berry said that the sunroom will be primarily glass and will be compatible with the rest of the house.

**Richard Doezema, 1309 N. Homer Street**, spoke in support of the request. He said that he is the neighbor to the south and the only one of the neighbors that will be affected by the proposal. Mr. Doezema stated that he has no concerns at all with the variance request.

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

Mr. McGrain questioned whether it is the south or west property line that is considered the rear lot line.

Ms. Stachowiak stated that it could be either one but since the applicant would need a variance either way, she decided to go with the most conservative approach. She said that since the house has its address off of Majestic Circle, she considered the south property line to be the rear lot line which is why it is a variance of 10 feet instead of 3.

Mr. Frederick stated that the practical difficulty as described in the staff report is adequate to warrant a variance. He also said that there should be a condition on the approval

requiring a review by staff of the sunroom design prior to issuance of a building permit. The purpose of the review is to ensure that it will be compatible with the remainder of the house in terms of design, color and materials.

**A. Frederick moved to approve BZA-3927.08, a variance of 10 feet to the required rear yard setback requirement to permit a sunroom on the rear of the house at 2912 Majestic Circle, 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 sunroom plans be reviewed by the Planning Office to ensure that it will be compatible with the existing house in design, color and materials, prior to issuance of a building permit. Seconded by E. Horne.**

VOTE	YEA	NAY
Burgess	X	
Horne	X	
Mayberry	X	
Frederick	X	
McGrain	X	
Hilts	X	

**Motion carried, 6-0, BZA-3927.08, was approved.**

**D. BZA-3928.08, 1530 Comfort Street**

This is a request by David & Linda Fredenburg for variances to permit an 864 square foot, detached garage at 1530 Comfort Street. Section 1248.03(b) of the Zoning Ordinance restricts the size of a detached garage at this location to 770 square feet. In addition, Section 1248.03(b)(4) of the Zoning Ordinance states that a garage cannot exceed the ground floor area of the principal structure (house). The house at 1530 Comfort Street has a ground floor area of 802.5 square feet. Variances of 94 square feet and 61.5 square feet to the allowable garage size are therefore, being requested. Staff recommended denial of the request on a finding that the variance is not 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.

**Linda Fredenburg, 1530 Comfort Street**, spoke in support of her request. She stated that the covered porch will be used for outdoor activities such as picnics and grilling. She said that there is a tree in the area that has cracked the foundation of the garage and shifted the existing porch. She is trying to prevent this situation with a new garage by attaching the porch. Ms. Fredenburg said that the intent is to make it more stable.

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

Mr. McGrain asked why the garage needs to be so large.

Ms. Fredenburg said that there would be shelter for 2 vehicles plus room for a workbench

and storage for lawn equipment.

The Board members questioned whether the applicant could have the garage and the porch as long as the porch is a stand-alone structure.

Ms. Stachowiak stated that the garage, by itself, complies with the ordinance requirements. She said that it is the attached porch that puts it over the size limitation. Ms. Stachowiak said that the Board has never approved a variance to allow an accessory structure that exceeds the ground floor area of the principal structure. She said that to do so would be contrary to the intent of the ordinance which is to have garages be a secondary, rather than a primary feature of a residential lot.

Mr. Frederick stated that there does not appear to be a practical difficulty that would warrant approval of the variance and therefore, he will not be able to give his support. He stated that even if the variance is denied, the applicant will still be able to have the garage and porch; they will just have to be separate structures. Mr. Frederick said that approving a variance in the absence of a legitimate practical difficulty is not within the Board's authority.

Mr. Mayberry suggested that the applicant work with Ms. Stachowiak to determine what possibilities exist for accessory structures on her lot.

**B. McGrain moved to deny BZA-3928.08, variances of 94 square feet and 61.5 square feet to the allowable garage size at 1530 Comfort Street, on a finding that the variances 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. Seconded by G. Hilts.**

VOTE	YEA	NAY
Burgess	X	
Horne	X	
Mayberry	X	
Frederick	X	
McGrain	X	
Hilts	X	

**Motion carried, 6-0, BZA-3928.08, was denied.**

**E. BZA-3929.08, 3201 E. Grand River Avenue**

This is a request by Lansing Retail Management LLC for a variance to permit a 90 square foot, 22 foot high ground sign at 3201 E. Grand River Avenue that would have a 10 foot setback. Section 1442.12.(h)(5) of the Sign Ordinance requires a setback of 22 feet for a sign with these dimensions. A variance of 12 feet to the setback requirement is therefore, being requested. Staff recommended approval of the request on a finding that the variance is 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.

**Tony Schmidt, 8101 Richardson Road, Commerce Twp., MI**, spoke in support of the request. He stated that there is parking spaces right next to the sign and when there is a tall

vehicle like an SUV parked near the sign, it is not visible to traffic. Mr. Schmidt said that the tenants have asked for the taller sign as customers have indicated that the businesses are difficult to find until you are right in front of the site. He said that they did not want to have to pay for a new sign but they would like to accommodate their tenants.

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

Mr. McGrain said that the variance seems to be self created since the site was just constructed. He said that the applicant should have considered that parking spaces right next to an 8 foot high sign would create visibility problems.

Mr. Schmidt stated that they thought the building would advertise itself. He also said that there are other signs in the area that are much higher than the one he is proposing.

Mr. Frederick stated that he drove by the site and thought that the sign was very tasteful and could serve as a model for other new signs in the city. He also said that the problem in this area is the confusion and hazards caused by the traffic patterns in the area. He stated that raising the sign will not remedy this situation. Mr. Frederick stated that he does not see the practical difficulty in this case and therefore, cannot support the variance.

Mr. McGrain agreed with Mr. Frederick and stated that the signage in the Frandor area only adds to the confusion. He said that the primary problem in Frandor is the traffic situation.

Ms. Horne stated that she has worked with the city for many years to get aesthetically pleasing signage and this particular sign could be used as a model for others.

Mr. Burgess stated that the traffic is the primary problem in the Frandor area. He said that he was too busy paying attention to the traffic to find the sign. However, he said that this is a not a practical difficulty that is unique to this site.

**B. McGrain moved to deny BZA-3929.08, a variance of 12 feet to the setback requirement for a new ground sign at 3201 E. Grand River Avenue, 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. Seconded by A. Frederick.**

VOTE	YEA	NAY
Burgess	X	
Horne	X	
Mayberry	X	
Frederick	X	
McGrain	X	
Hilts	X	

Motion carried, 6-0, BZA-3929.08, was denied.

**VI. OLD BUSINESS**

A. **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 May 8, 2008**

A. Frederick moved, seconded by G. Hilts to approve the minutes of May 8, 2008, with the following correction:

Page 2, 2<sup>nd</sup> Paragraph, change “porch” to “house”.

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

IX. **NEW BUSINESS**

A. **Excused Absence**

B. McGrain moved, seconded by E. Horne to grant an excused absence for G. Swix for the June 12, 2008 meeting.

On a voice vote, the motion carried unanimously (6-0)

B. **South Side Alliance**

Ms. Horne state that on May 19, 2008 at 7:00 p.m. at the S. Precinct, there will be a meeting to discuss and encourage the south side residents to participate in the city’s master plan project.

Mr. Frederick stated that the BZA should be on the mailing list to participate in the entire process.

X. **ADJOURNMENT AT 8:38 p.m.**

Respectfully submitted,

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Susan Stachowiak, Zoning Administrator