

Draft to Clerk:  
Approved:  
Clerk:

**MINUTES OF THE REGULAR MEETING  
BOARD OF ZONING APPEALS  
March 9, 2006 7:30 P.M.  
CITY COUNCIL CHAMBERS, 10<sup>TH</sup> 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                      G. Hilts                      G. Swix                      E. Horne  
M. Mayberry                      A. Frederick

**Absent:**                      F. Lain                      J. Siebold                      B. McGrain

**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 “5031 S. Cedar” under new business. On a voice vote, the motion carried 6-0.**

**III. HEARINGS/ACTION**

**A.        BZA-3869.06, 400 E. Saginaw Street**

This is a variance request by Central Signs on behalf of the owners of 400 E. Saginaw Street to permit substantial improvements and alterations to the existing, 16 foot high, 80 square foot pole sign at 400 E. Saginaw Highway. Sections 1442.12(h)(5) and 1442.24(c)(4) of the Sign Code require a setback of 21 feet for a sign that is 16 feet in height and 80 square feet in area. The existing sign has a setback of approximately one foot from the front property lines along Saginaw and Cedar Streets. A variance of 20 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.

**Dan Hodgey, Property Manager, 400 E. Saginaw Street**, spoke in support of the request. Mr. Hodgey stated that his company took over the management of this site in 2005 and have made many improvements since then. He said that they would like to make more improvements including repairing the existing sign. He also said that if it were to be setback

the required 21 feet, it would obstruct ingress and egress on the site. Mr. Hodgey stated that they are not asking to increase the size of the sign; just repair it.

Mr. Frederick asked Mr. Hodgey if his company is responsible for the dumpsters on the site. He said that they are overflowing with trash and it is being strewn around the property.

Mr. Hodgey said that his company is responsible for the dumpsters. He said that they had a problem with loitering and trash being removed from the dumpsters but they are getting it under control.

Mr. Frederick also said that the dollar store sign out from is illegal and needs to be removed.

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 this case is similar to the variance request for 5436 S. Cedar Street that was approved in January in terms of the practical difficulty. He said that it is an existing sign and it is located in the only logical place on the site.

The other board members agreed with Mr. Frederick.

**A. Frederick moved to approve BZA-3869.06, a variance of 20 feet to the setback requirement for a ground sign at 400 E. Saginaw 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 M. Mayberry.**

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

**Motion carried, 6-0, BZA-3869.06, was approved.**

**A. BZA-3870.06, 510 W. Willow Street**

This is a variance request by Lansing Teen Challenge to increase the capacity of the existing facility at 510 W. Willow Street from 40 to 64 residents. Section 1250.04(1) of the Zoning Ordinance requires a minimum lot area of 1,000 square feet per resident. The property at 510 W. Willow Street contains 47,575 square feet of lot area. A variance of 16,425 square feet to the lot area requirement for 64 residents 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.

**Jeff Turner, 510 W. Willow Street**, spoke in support of his request. Mr. Turner said that most residents leave the facility at 7:00 a.m. to work, return at 5:00 p.m., have dinner and then retreat to their rooms. He said that since the residents do not spend much time at the facility, the reduced lot area will not impact the lives of the residents.

Ms. Horne asked Mr. Turner how many individuals are in each rooms.

Mr. Turner said 2 and in some cases more. He said that the facility would like to help more people as they have an 86% success rate. Mr. Turner said that there are 40 rooms in the facility.

**Dayle Benjamin, 1323 N. Chestnut Street**, spoke in support of the request. He said that this facility has been a good neighbor and there has never been any friction at the facility. He stated that the residents have outside recreation facilities that are adequate.

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 he worked for the county and the staff always got along well. While they were in the process of getting a new building, they had more staff and they had to put more people in each office because of the lack of space. He said that things got tense and people started to get on each others nerves because there were so many people in such a small area. He said that these were good people who had previously gotten along fine with each other.

Mr. Frederick stated that it is not the building area that is being considered, it is the lot area.

Ms. Horne stated that she agrees with Mr. Burgess that it would be too many people in too small of an area. She said that she cannot 64 residents, but maybe 50 residents would be more acceptable.

Mr. Hilts stated that the board cannot consider the building space as part of this request since it is the lot area that is under consideration. He also said that there are parks in the area that can make up the difference for the lot area.

Ms. Stachowiak stated that the building itself will have to be inspected to determine if it is adequate for 64 residents, but it is her understanding that the Code Compliance Office is already involved in ensuring that the building is adequate.

**A. Frederick moved to approve BZA-3870.06, a variance of 16,425 lot area requirement to permit up to 64 residents in the facility at 510 W. Willow 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 special land use permit is approved by the City Council. Seconded by G. Hilts.**

VOTE	YEA	NAY
Swix	X	
Horne		X
Mayberry	X	

VOTE	YEA	NAY
Hilts	X	
Frederick	X	
Burgess	X	

Motion carried, 5-1, BZA-3870.06, was approved.

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 February 9, 2006

M. Mayberry moved, seconded by A. Frederick to approve the minutes of February 9, 2006, as printed. On a voice vote, the motion carried unanimously, 6-0.

IX. NEW BUSINESS

A. 5031. S. Cedar Street

Mr. Frederick stated that as a condition of the approved variance, the temporary, illegal signs were to be removed. He said that this has not occurred and he is wondering if the variance can be revoked accordingly.

Ms. Stachowiak stated that she did look into this and because they haven't invoked the approved variance yet, the condition does not apply. She said that no sign permit will be issued until the condition is met. She also said that she would have the sign inspector look into it to determine if there can be any immediate enforcement.

X. ADJOURNMENT AT 8:25 p.m.

Respectfully submitted,

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Susan Stachowiak, Zoning Administrator