AGENDA

I. ROLL CALL

II. APPROVAL OF AGENDA

III. PUBLIC COMMENT

IV. PUBLIC HEARING/ACTION
   A. BZA-4055.19, 1215 River Street, Appeal of administrative decision authorizing reduced setbacks and tower separation distances to permit a new telecommunications tower

   B. BZA-4056.19, 230 S. Holmes Street, Request to permit reconstruction of a nonconforming fire-damaged church building

V. OLD BUSINESS

VII. NEW BUSINESS
   A. 2020 Meeting Schedule

VI. APPROVAL OF MINUTES
   A. Regular Meeting, October 10, 2019

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 517-483-4479 (TDD).
Stachowiak, Susan

From: Grau Jennie <jennifer@grauic.com>
Sent: Friday, January 3, 2020 2:05 PM
To: Stachowiak, Susan
Cc: Sharon Ketchum
Subject: [EXTERNAL] Unity Church

Hi Susan,

Happy new year! I had hoped to send this over the Christmas holiday but got caught up with family stuff.

On December 17th the Prospect PLACE neighborhood met and discussed Unity Church's rebuilding and request for a nonconforming use zoning. This email is to support that request. The church and their members are great neighbors, an asset to the community, and we are delighted they have decided to stay. Please let me know if you have any questions.

Best,
Jennie

Jennifer M. Grau, President
Grau Interpersonal Communication
+1 (517)-484-5756 US Eastern
www.grauic.com
www.linkedin.com/in/jenniegrau/
1216 Prospect St.  
Lansing, MI 48912  
Dec. 31, 2019

City of Lansing Planning Office  
Dept. of Planning & Neighborhood Development  
Ste. D-1, 316 N. Capitol Ave.  
Lansing, MI 48933

RE:  NCU-1-2019, 230 S. Holmes St, Class “A” Nonconforming Status, and  
     BZA-4056.19, 230 S. Holmes St., Notice of Public Hearing

Dear Lansing Planning Board and Board of Zoning Appeals;

I am submitting the following as my written comments to the above two items for public hearing to be held on January 7 and 9, 2020, respectively. I am urging both boards to decline both these requests regarding 230 S. Homes Street, Lansing, currently the site of Unity Spiritual Center.

Both notices point out that the property “does not have access to a major or minor arterial as required for churches on a residential zoned parcel of land.” This is my main problem with the current situation, and it will only get worse if the church is allowed to rebuild and/or expand, as they were considering before the fire. Currently, there is a very small parking lot directly west of the church building on Prospect Street. This lot is nowhere near large enough to accommodate the number of cars for church attendees, and the overflow park on the neighborhood streets, causing undue congestion on Sunday mornings and at other times when the church is holding major functions. At these times, traffic cannot pass, causing the streets to become one-way, which causes a problem for residents, visitors, and of course, any emergency vehicles. This is especially bad in the winter.

The former ABC neighborhood association president spoke with Unity’s pastor on more than one occasion regarding the congregation’s street-side parking. I have had numerous times when vehicles are parked so close to my driveway that I or my husband could barely get out, and then of course, we were additionally hindered navigating through the additional vehicles parked street-side for church services. We just try not to leave the house anymore on Sunday mornings, and I am tired of feeling like a prisoner in my home at that time.

Although I am sad about the fire, I was hopeful that the church would see this as a good opportunity to move elsewhere, and I know they were seriously looking into it. Since the two Unity congregations in Lansing merged several years ago, the street parking has gotten worse and worse. I am happy that they are growing, but in my opinion, they need to grow elsewhere, not in a residential neighborhood where there is totally inadequate room to accommodate their congregation.

Another issue is in the winter, I see elderly parishioners navigating icy city streets and sidewalks because they have to park more than a block from the church. This concerns me from a safety standard.

I would prefer to have my name withheld, but if that is not possible for written comments, I accept that.

Sincerely,

Janet Hershberger

Janet Hershberger
GENERAL INFORMATION

APPLICANT/OWNER: Unity Spiritual Center of Lansing
230 S. Holmes Street
Lansing, MI 48912

REQUESTED ACTION: To approve the restoration of the nonconforming, fire
damaged church building at 230 S. Holmes Street

EXISTING LAND USE: Church

EXISTING ZONING: “C” Residential District

PROPERTY SIZE & SHAPE: Irregular Shaped Lot – 15,042 square feet (.345 acres)

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

SURROUNDING ZONING: N: “C” Residential District
S: “C” Residential District
E: “C” Residential District
W: “C” Residential District

MASTER PLAN DESIGNATION: The Design Lansing Master Plan designates the subject
property for medium-low density residential use. S. Holmes
& Prospect Streets are both designated as local roads.

REQUEST

This is a request by Unity Spiritual Center of Lansing to permit the fire damaged church building at
230 S. Holmes Street to be restored/repaired. The building is currently considered a “Class B”
nonconformity by the standards of Section 1294 of the Zoning Ordinance in that the site does not
conform to the minimum 2 acre lot size and does not have access to a major or minor arterial as
required for churches on a residentially zoned parcel of land. As a “Class B” nonconformity, the
building cannot be restored/repaired following damaged caused by a fire if the restoration/repair
work exceeds 50% of the value of the building prior to the damage. The applicant is seeking
approval of a request for “Class A” nonconforming status by the Planning Board at its January 7,
2020 meeting. The amount of money that can be put into a building that has been granted “Class A”
status can exceed 50% of its value prior to the damage, if approved by the Board of Zoning Appeals
in accordance with Section 1294.06(b) the Zoning Ordinance which provides as follows:
“A Class A nonconformity damaged by fire, explosion, flood, erosion or any other catastrophe may be restored or reconstructed if the cost of restoration or reconstruction is not more than 50 percent of the nonconformity's pre-catastrophe fair market value of the building, except that this 50 percent limitation on restoration and reconstruction shall not apply for 15 years from the date credits are issued for a building that receives Federal IRS low income housing tax credits and which has been granted a payment in lieu of taxes under Chapters 884 and 886 of these codified ordinances. When the 50 percent limitation applies and damage is greater than 50 percent, the restoration or reconstruction may be permitted only by the Board of Zoning Appeals.”

The estimate from the church’s insurance company to restore the building is $650,000. While the exact value of the church building prior to the damage is unknown, it would not even come close to $1,300,000 and thus, there is no question as to the need for obtaining Class A status to allow its restoration/repair.

The variance criteria is not applicable to requests for restoration/repair of a “Class A” nonconformity in excess of 50% of its pre-catastrophic value. Since the Zoning Ordinance does not establish criteria to evaluate these types of requests, the criteria set forth in the Ordinance for evaluating “Class A” nonconforming status requests will be used to evaluate this request.

**CLASS A NONCONFORMING STATUS - CRITERIA**

Section 1294.04 of the Zoning Code states that Class A status may be granted to nonconformity if the public health, welfare and safety would be served. However, this section goes on to state that Class A status will *not* be granted if any of the following exist:

1. **The request involves a nonresidential use located on a local street and the Transportation Engineer reports a negative impact.**

   The request does involve a non-residential use (church) located on local street. The City’s Transportation Engineer has not reported any negative impacts on the street system in the area caused by the church.

2. **The activities associated with the nonconformity generate smoke, odor, air pollution, water pollution, vibration, glare or noise which is more than the level associated with the uses permitted by right in the district in which the nonconformity is located. The Planning Division may require the applicant to provide reliable technical evidence for the purpose of determining the amount of smoke, odor, air pollution, water pollution, vibration, glare or noise which exists on the lot for which Class A status is being sought.**

   The church that is the subject of this request does not generate smoke, odors, vibrations, noise or any other type of nuisance or hazardous condition.
3. The nonconformity does not meet one or more of the parking requirements designated in Chapter 1284. However, if an applicant provides reliable data to the Planning Division which indicates that peak hour parking demand for the use shall not exceed the number of parking spaces available during the highest intensity of use, then Class A status may be granted. The highest intensity of use shall be determined by the Division.

Based on the seating capacity in the sanctuary, 20 parking spaces are required. The church property can accommodate the required 20 parking spaces. On a regular basis, the church only operates at peak demand for a short period of time during a church service on Sunday. The vast majority of the time, there are less than 10 vehicles on the site.

FINDINGS

The church building at 230 S. Holmes Street is nonconforming in that the site does not conform to the minimum 2 acre lot size and does not have access to a major or minor arterial as required for churches on a residentially zoned parcel of land. The church sustained substantial damage from a fire and because of its “Class B” nonconforming status, the amount of money that can be used to restore/repair the building cannot exceed 50% of its value prior to the damage. The applicant is seeking approval of a “Class A” nonconforming status by the Planning Board at its January 7, 2020 meeting which, if approved would allow the Board of Zoning Appeals to authorize restoration/repair work in excess of 50% of its pre-fire value.

This request was evaluated using the same criteria established in the Zoning Ordinance for evaluating requests for “Class A” nonconforming status and found to be in full compliance therewith. Based on this evaluation, a recommendation to approve the request is offered for the Boards’ consideration.

RECOMMENDATION

Staff recommends approval of the request to permit the restoration/repair of the fire damaged church building at 230 S. Holmes Street at a cost that exceeds 50% of its value prior to the damage.

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator
## BOARD OF ZONING APPEALS
### 2020 Meeting Schedule

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<th>DATE</th>
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<td>January 9, 2020</td>
<td>6:30 PM</td>
<td>Neighborhood Empowerment Center 600 W. Maple St.</td>
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<tr>
<td>February 13, 2020</td>
<td>6:30 PM</td>
<td>Neighborhood Empowerment Center 600 W. Maple St.</td>
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<tr>
<td>March 12, 2020</td>
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<td>April 9, 2020</td>
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<td>July 9, 2020</td>
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<td>October 8, 2020</td>
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<td>November 12, 2020</td>
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<tr>
<td>December 10, 2020</td>
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ADDRESS OF PRINCIPAL OFFICE: 316 N. CAPITOL AVE, SUITE D-1
TELEPHONE NUMBER: 517-483-4066

POSTED AT:
- City Clerk’s office
- Planning Division Lobby
- City Council Office
MINUTES OF REGULAR MEETING
BOARD OF ZONING APPEALS
October 10, 2019, 6:30 P.M.
Neighborhood Empowerment Center - 600 W. Maple Street

I. ROLL CALL

The meeting was called to order by Marcie Alling at 6:30 p.m. Roll call was taken.

Present: M. Alling, J. Leaming, M. Rice, K. Berryman, R. Fryling & E. Jefferson

Absent: J. Hovey, C. Iannuzzi & M. Solak

Staff: S. Stachowiak

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

II. APPROVAL OF AGENDA

It was moved by Mr. Leaming, seconded by Mr. Rice to approve the agenda with the addition of “excused absences” under New Business and the removal of BZA-4054.19 which has been withdrawn by the applicant. On a voice vote, the motion carried 6-0.

III. PUBLIC COMMENT

IV. PUBLIC HEARING/ACTION

A. BZA-4052.19, 573 Paris Avenue, Variance to the front yard setback requirement for a detached garage

Ms. Stachowiak said that this is a request by Anna & Justin Paluch for a variance to permit a new detached garage at 573 Paris Avenue that would have a setback of 15 feet from the Grant Street front property line. Section 1248.07 of the Zoning Ordinance requires a front yard setback of 20 feet for the proposed garage. A variance of 5 feet to the front yard setback requirement is therefore, being requested. Ms. Stachowiak stated that the staff recommendation is to approve the variance based on a finding that the request complies with all of the applicable criteria of Section 1244.06 (c) of the Zoning Ordinance and the impact criteria of Section 1244.06 (e), as described in the staff report for this request.

Ms. Stachowiak said that the applicants are requesting a variance to construct a new garage closer to the front property line so that they will have more green space in the back yard. The applicant bases a practical difficulty on the width of the lot which is 10 feet less than the minimum width under the current ordinance for a corner lot. The applicant also considers that compliance with the front yard setback requirement would cause an unnecessary hardship on the owner since the garage would not extend any closer to the street than the existing covered porch on the side of the house. Ms. Stachowiak said that while the width of the property is 10 feet less than the current requirement for a corner lot, it is comparable in size to the other corner lots in the area. She said that since there is nothing particularly unique about the property to establish a practical difficulty, approval of the variance would need to be based on a finding that
compliance with the ordinance requirement would create an unnecessary hardship for the applicants. In other words, there would need to be a finding that the variance could be approved while still upholding the intent of the ordinance requirement which is to create a uniform development pattern and preserve open vistas along roadways. Ms. Stachowiak said that in this case, the front wall of the proposed garage would be even with the setback of the covered porch on the Grant Street side of the house that appears to have been part of the original construction of the house in 1939. She also said that there are numerous other houses and garages along Grant Street that have setbacks equal to or even less than what the applicants are proposing for the new garage.

Ms. Alling opened the public hearing.

Justin Paluch, 573 Paris Avenue, spoke in support of his request. He said that the old garage has been demolished and he would like the new garage to be placed closer to the street so that they can have more green space in the back yard.

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

Mr. Leaming said that there are other houses and garages in the area that have setbacks that are the same or in some cases, even less than what the applicant is proposing. He said since the proposed setback is generally consistent with the existing setback pattern along Grant Street, approval of the variance will not be contrary to the intent and purpose of the ordinance standard.

Mr. Rice said that the variance is only necessary because the width of the lot is 10 feet less than the current width requirement for corner lots.

Mr. Leaming made a motion, seconded by Mr. Rice to approve BZA 4052.19 for a variance of 5 feet to the 20 foot front yard setback requirement to permit the construction of a detached garage at 573 Paris Avenue that would have a front yard setback of 15 feet from the Grant Street front property line, on a finding that the variance would be consistent with the practical difficulty/unnecessary hardship criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application. On a roll call vote, the motion carried unanimously (6-0).

B. BZA-4053.19, 5008 S. M.L. King Blvd., Variance to the rear yard setback requirement for a new gasoline station building

Ms. Stachowiak said that this is a request by SBR M99, Inc. for a variance to permit a new gas station building on the property at 5008 S. ML King Jr. Blvd. that would have a setback of 1.75 feet to the rear lot line. Section 1268.08 of the Zoning Ordinance requires a rear yard setback of 25 feet in the "F" Commercial district which is the zoning designation of the subject property. A variance of 23.25 feet to the rear yard setback requirement is therefore, being requested. Ms. Stachowiak stated that the staff recommendation is to approve the variance based on a finding that the request complies with all of the applicable criteria of Section 1244.06 (c) of the Zoning Ordinance and the impact criteria of Section 1244.06 (e), as described in the staff report for this request.

Ms. Stachowiak stated that the practical difficulty involving the size of the property could be considered self-created since the applicant recently split the property off from
the parcel that contains the grocery store, thus creating a separate parcel that is insufficient in size to permit the proposed construction. She said that the issue is whether denial of the variance would create an unnecessary hardship on the owner. In other words, if the variance could be granted while still upholding the intent of the rear yard setback requirement which is to allow for access to the rear of a building and to provide a buffer between commercial buildings and adjoining residential uses. Ms. Stachowiak said that when the subject property was recently split from the grocery store property, an easement was put in place to allow for access around the site in perpetuity. She said that this easement also covers the drive aisle on the parcel to the north and since the easement ensures that there will be unrestricted access to the entire interior perimeter of the subject property across the adjoining commercial parcels, the reduced setback will not be contrary to the intent of the ordinance. Ms. Stachowiak stated that there will be nothing on site that defines the new parcel lines and thus, it will still function and appear as though it is one site. She also stated that if the variance is approved, the building will have to be properly fire rated in accordance with the requirements of the Michigan Building Code for its close proximity to the rear property line.

Ms. Alling opened the public hearing.

**John Saad, civil engineer, Hanna Engineering & Consulting, Livonia, MI**, spoke in support of the variance. He said that he is aware of the building code requirements for a building that is within 1.75 feet of the rear property line. Mr. Saad said that the building will be 1.75 feet from the rear property line at its nearest point but extends to about 7 feet because of the angle of the rear property line. He stated that the building will not be as big as most gas station stores but it will be a lot bigger than the existing building. He also said that the parking right now is behind the building and there is no handicap parking at all for the gas station. Mr. Saad said that the new plan will provide for an appropriate parking layout and a much more functional station in general.

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

Mr. Fryling asked about the 1.75 foot rear yard setback and about the underground fuel tanks.

Mr. Saad said that they will utilize bollards to protect the building walls and will plant landscaping behind the building. He said that there will be no walls or doors on the back wall of the building. He also said that the project is a total reconstruct of the gas station but that the underground fuel tanks will remain in place as it would be too costly to replace them.

Mr. Rice said that by pushing the building to the back of the lot, it allows the parking to be on the front and sides rather than behind the building which is far more practical.

Mr. Leaming asked about the height of the proposed building.

Mr. Saad said that the building will be no more than 17 feet high. He said that the building will have 3 varying elevations to give it character, utilizing brick and imitation wood for the exterior building finishes.

Mr. Rice said that the practical difficulty involves the shallow depth of the lot. He said that by providing easements around the site, it will function properly and will not create a setback pattern that is contrary to the intent of the ordinance.
Mr. Rice made a motion, seconded by Mr. Leaming to approve BZA 4053.19 for a variance of 23.25 feet to the rear yard setback requirement to permit a building at 5008 S. M.L. King that would have a setback of 1.75 at its nearest point to the rear lot line, on a finding that the variance would be consistent with the practical difficulty/unnecessary hardship criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application. On a roll call vote, the motion carried unanimously (6-0).

V. OLD BUSINESS - None

VI. NEW BUSINESS

A. Excused Absence

Mr. Leaming made a motion, seconded by Ms. Jefferson to grant excused absences for Mr. Hovey, Mr. Solak & Mr. Iannuzzi. On a voice vote, the motion carried unanimously (6-0).

VII. APPROVAL OF MINUTES

A. Regular Meeting, September 12, 2019

Mr. Rice made a motion, seconded by Mr. Leaming to approve the minutes from the regular meeting held on September 12, 2019, as printed. On a voice vote, the motion carried unanimously (6-0).

VIII. PUBLIC COMMENT

IX. ADJOURNMENT AT 6.56 p.m.

Respectfully Submitted,

Susan Stachowiak, Zoning Administrator