



ZONING BOARD OF APPEALS

Quality Services for a Quality Community

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David Haywood
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MINUTES

November 6, 2019

54-B District Court, Courtroom 1
101 Linden Street

Present: Chalgian, Ditschman, Hittner, Lal, Laxton, and Ruddell

Absent: Bradley, Cole, and DeVries-Burd

Staff Present: Haywood

1) OPENING

A) Roll Call

Laxton called the meeting to order at 7:00 p.m.

Both applicants chose to continue with only six members in attendance.

At the calling of the roll, members Bradley, Cole, and DeVries-Burd were absent.

B) Approval of the Agenda

Motion: Ruddell moved to approve the agenda as presented. Hittner seconded the motion. **Vote:** All yeas. Motion passed unanimously by a vote of 6 to 0.

C) Approval of the Minutes

Motion: Ditschman moved to approve the September 4, 2019 minutes as presented. Chalgian seconded the motion. **Vote:** All yeas. Motion passed unanimously by a vote of 6 to 0

2) COMMUNICATIONS

A) Written – None

B) Oral – None

3) NEW BUSINESS

- A) **Consideration of an application from John Nyboer for the property located at 202 Centerlawn in the R-2, Medium Density Single Family Residential, zoning district for a variance from the following requirement of Chapter 50 – Zoning Code of the City of East Lansing:**

Section 50-301. – Maximum Building Coverage Ratio for the R-2 zoning district is 25 percent.

The applicant is proposing to remove the existing 20' by 12' garage and replace it with a 20' by 20' that would increase the ground coverage ratio to 27.2 percent.

Haywood described the property, location, and the proposal as indicated in the Staff Report.

Laxton stated the lot is a corner lot and asked if the right-of-way setback requirements are counted in the ground coverage ratio. Haywood replied negatively.

Hittner asked if the building coverage is the concern not the ground coverage. Haywood replied affirmatively.

John Nyboer, 4211 Davlind Drive, Holt, the contractor, addressed the Board and stated that it is hard to get much storage in the current garage once the cars are parked in there.

Sarah Musson, the homeowner stated she would like a garage where she can put her car and lawnmower in

Motion: It was moved by Ruddell and seconded by Hittner to grant variance approval for the request from John Nyboer for the property located at 202 Centerlawn in the R-2, Medium Density Single Family Residential, zoning district for a variance from the following requirement of Chapter 50 – Zoning Code of the City of East Lansing:

Section 50-301. – Maximum Building Coverage Ratio for the R-2 zoning district is 25 percent.

The Board finds that under Special Finding (1), that there are practical difficulties or unnecessary hardships resulting from the physical characteristics of the property in question which make it unfeasible to carry out the strict letter of the Zoning Code and Special Finding (3), that such variation is necessary for the preservation of a substantial property right possessed by other properties within the same zoning district; based on the following grounds:

1. The lot width is narrow.
2. Other neighbors have similar garage, not a huge change, and only slightly over percentage.

Laxton stated he would be voting in favor of the motion and he agrees with Hittner that the garage is older and in need of repair.

Hittner stated he would also be voting in favor as he sees it as perfectly reasonable that they would like a two-car garage with space for storage and they are not widening the driveway.

Vote: All yeas. Motion passed unanimously by a vote of 6 to 0.

B) Consideration of an application from GTW Investment Properties, L.L.C. for the properties located at 215 and 217 River Street in the East Village zoning district for a variance from the following requirement of Chapter 50 – Zoning Code of the City of East Lansing:

Section 50-812(1)b.2. – Required parking ratios for Class B dwelling units is 0.5 spaces per person, and

Section 50-816(4) – Parking and driveway setbacks. In no case shall a parking space or driveway be placed closer than eight feet from a rear lot line.

The applicant is proposing to construct a Class B multi-family dwelling unit with 44 persons and 16 parking spaces, where 22 parking spaces are required. The proposed parking lot is proposed to be located 4 feet from the rear lot line.

Haywood described the property, location, and the proposal as indicated in the Staff Report. He stated there are two structures onsite that are slated for demolition to build a sorority. He further stated City Council approved the project with the condition that they get variance approval.

Hittner asked how many people are licensed in the two buildings already there. 215 River is licensed for five and 217 River is licensed for 12.

Ruddell asked if the East Village district is for higher density. Haywood replied affirmatively.

The Board discussed the dumpster and enclosure.

Chalgian asked how many bikes they required to have. Haywood stated they are required to have one bike loop for every two occupants.

Ken Jones, Studio Intrigue, 1114 S. Washington, Lansing, the architect, addressed the Board and stated due to the location of the property to campus they do not feel that parking is greatly required for every student on site. He continued as far as set backs in the rear, the original East Village (EV) ordinance was set up for one large development not smaller developments; therefore, there will be a lot of setbacks and open space that was not anticipated when the ordinance was written.

Laxton asked about the plan for overflow parking. Jones stated the applicant owns other property along the area and the property at the former Tasty Twist is designated as overflow parking for the site. He continued that the facility is a larger facility with many of the members living there so there will not be the influx of members for meeting like some of the small sororities have because the members will already be living there.

Laxton asked if mopeds can be parked at bike loop parking. Haywood replied affirmatively.

Jones stated they currently have more bike parking than residents.

Laxton stated he initially was concerned about the setback until he realized the property that would be affected is a parking lot.

The Board discussed vehicles parking in other developments parking spaces and how this development adds to the problem already experienced. Jones stated he believes it to be a short-term parking issue not a long-term tenant that is purposely parking at the wrong complex.

Joe Goodsir, the applicant, addressed the Board and clarified that Nancy Marr did not object to the sorority project but rather the Hub 2 proposal that was on Planning Commission agenda that same evening.

Laxton asked if Goodsir could explain the plan for overflow parking. Goodsir replied that a sorority of this size does not have a large influx of members attending chapter meetings because they live there, and mopeds are the more common mode of transportation and as such they have excess loops for parking scooters/mopeds. He further stated there are extra lots on campus students can rent spaces to park their cars

Ditschman asked if the letter regarding parking was going to be a permanent agreement as part of the site plan approval. Goodsir stated they are not required to provide parking in a specific place or within a certain distance, but they are willing to allow overflow parking at the location indicated in the letter. She further asked if they provide that use to other developments in the area. Goodsir replied negatively and said they have adequate parking at all their other sites.

Hittner asked if the barrier free spot could be used by a tenant of the building without having the appropriate license plate or placard. Goodsir replied that it is private property and not subject to the same rules as a public barrier free space reserved only for those with a handicap license or placard.

Motion: It was moved by Ditschman and seconded by Ruddell to grant variance approval for the request from GTW Investment Properties, L.L.C. for the properties located at 215 and 217 River Street in the East Village zoning district for a variance from the following requirement of Chapter 50 – Zoning Code of the City of East Lansing:

Section 50-812(1)b.2. – Required parking ratios for Class B dwelling units is 0.5 spaces per person

In order for the applicant to construct a Class B multi-family dwelling unit with 44 persons and 16 parking spaces, where 22 parking spaces are required, and the parking lot is proposed to be located 4 feet from the rear lot line.

The Board finds that under Special Finding (1), that there are practical difficulties or unnecessary hardships resulting from the physical characteristics of the property in question which make it unfeasible to carry out the strict letter of the Zoning Code; based on the following grounds:

1. Site size and bike spaces provided
2. Adequate for the type of use and Form-based Code.

Chalgian stated she has concerns with providing parking for less than half of the residents especially when there will be guests and other members needing spaces to park.

Ruddell stated she lived in a sorority house and there weren't many events at the house and during chapter meetings people found places to park.

Ditschman stated she likes the idea of having off site parking as an option. She asked if it is common for new construction to request variances for parking. Haywood replied it depends on the zoning district and it is not uncommon in the East Village Zoning district.

Laxton stated his concern is not so much the parking but the parking requirements and density requirements are in conflict.

Hittner stated he is inclined to grant the variance with regards to the rear yard setback but is inclined to not approve the reduction in parking.

Vote: *Yeas:* Ditschman, Laxton, and Ruddell. *Nays:* Chalgian, Lal and Hittner. Motion failed by a vote of 3 to 3.

Motion: It was moved by Ditschman and seconded by Hittner to grant variance approval for the request from GTW Investment Properties, L.L.C. for the properties located at 215 and 217 River Street in the East Village zoning district for a variance from the following requirement of Chapter 50 – Zoning Code of the City of East Lansing:

Section 50-816(4) – Parking and driveway setbacks. In no case shall a parking space or driveway be placed closer than eight feet from a rear lot line.

In order for the applicant to construct a Class B multi-family dwelling unit with 44 persons and 16 parking spaces, where 22 parking spaces are required, and the parking lot is proposed to be located 4 feet from the rear lot line.

The Board finds that under Special Finding (1), that there are practical difficulties or unnecessary hardships resulting from the physical characteristics of the property in question which make it unfeasible to carry out the strict letter of the Zoning Code; based on the following grounds:

1. Site size and bike spaces provided
2. Adequate for the type of use and Form-based Code.

Vote: All yeas. Motion passed unanimously by a vote of 6 to 0

C) 2020 Annual Meeting Dates

The Board changed their January meeting to the 8th, their April meeting to the 15th, and their July meeting to the 15th.

Vote: All yeas. Motion passed unanimously by a vote of 6 to 0

4) **OLD BUSINESS** – None

5) **STAFF REPORTS**

Haywood stated there will be a meeting December.

6) **BOARD MEMBER CONCERNS**

Ruddell stated she will not be at the December meeting.

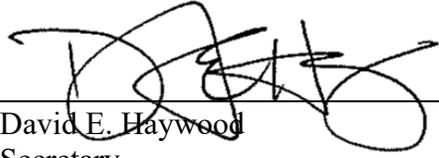
7) **ANNOUNCEMENTS** – None

8) **ADJOURNMENT**

Motion: Hittner moved to adjourn the meeting at 8:29 p.m. Chalgian seconded the motion. **Vote:** All yeas. Motion passed unanimously by a vote of 6 to 0.



Brian Laxton
Chair



David E. Haywood
Secretary