



ZONING BOARD OF APPEALS

Quality Services for a Quality Community

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Erik Altmann

Staff Liaison
David Haywood
(517) 319-6861

City of East Lansing
DEPARTMENT OF
PLANNING,
BUILDING &
DEVELOPMENT
410 Abbot Road
East Lansing, MI 48823

(517) 319-6930
www.cityofeastlansing.com

MINUTES

February 6, 2019

54-B District Court, Courtroom 1
101 Linden Street

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

Absent: Altmann and Bradley

Staff Present: Haywood

1) OPENING

A) Roll Call

Laxton called the meeting to order at 7:03 p.m.

At the calling of the roll, members Altmann and Bradley were absent.

B) Approval of the Agenda

Agenda was approved unanimously as amended to change the January 9, 2019 minutes to December 20, 2018 minutes.

C) Approval of the Minutes

Minutes of December 20, 2018 were approved unanimously as presented.

2) COMMUNICATIONS

A) Written

- Joanne Russell letter of support regarding 1225 Daisy Lane.

B) Oral – None

3) NEW BUSINESS

- A) **A public hearing will be held to consider an application from Chris Parsons and Kara (Nygren) Parsons for the property located at 1107 Daisy Lane, 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 – Minimum setback, principle building on a corner lot line. The minimum setback requirement is 20 feet.

The applicant is proposing to demolish the existing single-family residential structure and build a new single-family residential structure that would be located ten feet from the east property line adjacent to Larkspur Drive.

Haywood described the property, location, and the proposal as indicated in the Staff Report. He said the south side lots were platted at 66 feet wide while the north lots were platted 132 feet wide but much shallower.

Chris Parsons, the applicant, addressed the Board and gave the background on the property and the variance request. He said what is unique about the property is it runs along Larkspur which is a dead end and has very little traffic. He further stated the lot is similar in size to other properties in the neighborhood.

Laxton thanked the applicant for including the rationale for the variance request.

Laxton asked to confirm for the record that the applicant plans to live in the home as a single-family residence, not building the home and turn it into a rental. Parsons stated for the record they plan to rebuild and live in it as a single-family home and it is in a rental restriction overlay district.

Motion: It was moved by Vlahakis Cole and seconded by Ruddell to grant variance approval for the request from Chris Parsons and Kara (Nygren) Parsons for the property located at 1107 Daisy Lane, 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 50-147(1)a. – Within any yard bordering a street, fences or walls, other than retaining walls, shall not exceed the following maximum heights:

- i. When less than 40 percent open and unobstructed.*
 - 1. Three feet at the property line.*
 - 2. Six feet, when set back at least 20 feet from the property line.*

The applicant is proposing a privacy fence at six feet tall around the existing patio and between the existing house and garage less than the required setback

The Board finds that under Special Finding (2), that there are exceptional or extraordinary circumstances or conditions which apply to the property in question that do not apply to other

properties and which have not resulted from any act of the applicant subsequent to the adoption of the Zoning Code; based on the following grounds:

1. Larkspur being a dead end street
2. Unique based on location and greenspace between the lot line and the curb

Laxton stated he would be voting affirmatively on the request as it is one of those times when a property is located on a corner, the property is narrower than other properties. He does not believe it to be an unreasonable request given the location of the current house.

Hittner said it is unlikely that Larkspur would ever be extended and would always be a dead end street and as such there will not be an issue with traffic and visibility of a the corner lot; therefore, he would be voting in favor of the motion.

Laxton stated without having any building specs the approval will be for what is requested which is 10 feet setback to lot side of dead end road.

Vote: All yeas. Motion passed unanimously by a vote of 7 to 0.

4) OLD BUSINESS

- A) A variance request from Ghulam Sumbal for the property located at 1820 Coolidge Road in the R-3, Single and Two-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. – Minimum lot width. Minimum lot width in the R-3 zoning district for uses other than single-family is 100 feet.

The applicant is proposing to demolish the existing single-family structure and rebuild a new duplex structure with a lot width of 82 feet.

Laxton reminded the Board they held the public hearing on the request last month and the applicant requested to adjourn to February to give staff the opportunity to look into properties within the vicinity of the request that may have received a similar variance.

Haywood stated most of the properties in the vicinity are duplexes with the exception of the subject property, 1802 and 1840 Coolidge Road. He further stated there were no variances in regard to lot width granted for properties in the vicinity.

Tom James Gottchalk of James Edward Builders, addressed the Board and gave the history of the project. He stated he feels the proposal meets all three of the special findings.

Ghulam Sumbal, the owner, addressed the Board reiterated what Gottchalk said.

Chris Parsons, 1107 Daisy Lane, addressed the Board and spoke in support of the variance request.

Abida. Sumbal, the owner, addressed the Board and spoke about the physical and mental torture G. Sumbal has experienced since taking on this project.

Motion 1: Ruddell moved to approve the variance request from Ghulam Sumbal for the property located at 1820 Coolidge Road in the R-3, Single and Two-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. – Minimum lot width. Minimum lot width in the R-3 zoning district for uses other than single-family is 100 feet.

In order to demolish the existing single-family structure and rebuild a new duplex structure with a lot width of 82 feet

Motion was seconded by Ditschman.

The Board finds that under the 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.

Laxton clarified that the zoning district specifically allows for duplexes. Haywood concurred.

Ditschman asked when the zoning changed as the subdivision was platted in 1968 with lots less than 100 feet. Haywood replied the latest amendment shown is 1994 but that's not to say that was when the zoning changed that required the 100 feet lot width.

Ditschman further stated the change in zoning after the duplexes where already built leads her to want to vote in favor of the request. Laxton stated he agreed with Ditschman and to limit the duplexes to bigger lots but here all the vast majority of the properties are duplexes of the same size, it's not something that would be out of conformity and leaning toward voting in favor of the motion.

Hittner stated he would be voting in favor as well.

Vlahakis Cole stated she originally said she did not see the reasoning for demoing a single-family to put a duplex but after driving by and seeing the number of duplexes with similar sized lots she now agrees with the motion for approval.

Vote: All yeas. Motion passed unanimously by a vote of 7 to 0.

- 5) **STAFF REPORTS** – None
- 6) **BOARD MEMBER CONCERNS** – None
- 7) **ANNOUNCEMENTS**

The Board introduced and told a little about themselves for the benefit of the two newest members; Susan Chalgian and alternate Colline DeVries-Burd.

8) ADJOURNMENT

Motion: Hittner moved to adjourn. Vlahakis Cole seconded the motion. **Vote:** All yeas. Motion passed unanimously by a vote of 7 to 0.



Bryan Laxton
Chair



David E. Haywood
Secretary