

**Village of Lansing  
Board of Zoning Appeals  
January 21, 2003**

The meeting of the Village of Lansing Board of Zoning Appeals was convened at 7:43 P.M. by Acting Chairperson Mary Sirois. Present at the meeting were Board members John Dennis, Don Eckrich, and Mike Ward; Village Attorney William Troy; Code Enforcement Officer Curtis; and members of the public.

**Appeal No. 2003-1, Miller, 28 Janivar Dr., Carport:**

The first item on the agenda was Appeal No. 2003-1, Robert S. Miller, requesting a variance from Section 202.05(e) 5(a) of the Village of Lansing Zoning Law to construct an approximately 200 s.f. carport addition on his home at 28 Janivar Drive in the Medium Density Residential District, Tax Parcel No. 45.1-1-76.2. A variance is required because the carport will extend to within 17 feet of the side property line where 20 feet is required by the Zoning Law.

Curtis has received the required proof of mailing.

Miller explained his application to the Board. He stated he has a one-car garage and two vehicles and one must sit out all the time. He has 28 ft. to his property line and is requesting a 9 ft. carport because he does not feel an 8 ft. carport would be sufficient. A variance would be required because with the overhang, it would only be 18 ft. from the property line rather than the required 20 ft. Miller will be his own contractor and with the help his friend will build the structure. Miller stated his nearest neighbor at 30 Janivar Drive has no objections to this. The neighbor in the duplex on the corner is not presently home so he could not contact him. Miller has sent out the eight letters. He would like to do the project in the spring. Miller further stated that the blacktop is already in place, was there when he purchased the house and this is where he currently parks his one vehicle. The electric meter would remain in place but the air conditioning unit would need to be relocated. Curtis noted that when a building permit is issued, there would be a requirement for installation of a bollard so the gas meter could not be hit by a car and Miller agreed.

Ward asked for clarification on the dimension for the front of the carport. Curtis stated there were discrepancies in various surveys and the edge of the house could be from 27.8 to 28.2 feet from the property line. Miller stated to be on the safe side, he would like to request a 3 ft. variance to accommodate this and any slight differences when the structure is built.

Ward asked about the material on the front soffit of the carport. Miller responded that it would be the same wood as the home as he does not want to devalue his property.

Dennis asked about the slope of the roof. Miller responded that the ground is almost flat and there is a slight pitch to the roofline.

Eckrich moved to close the Public Hearing. Seconded by Dennis. All aye.

Sirois stated there is a wooden privacy fence along the property on the neighboring lot and this would shield them from seeing a majority of the carport. Ward felt the size of the carport is appropriate but he was concerned about the impervious surface. Curtis stated drainage goes to the front of the lot and he has not had complaints about runoff in that neighborhood.

Attorney Troy entered the meeting.

Ward stated he wanted agreement that the structure would be 9 ft. 6 in. as an inside dimension with a one foot overhang for a total of 10 ft. 6 in. Using the most restrictive measurement to the property line (27 ft. 8 in.), this would make the deficiency 2 ft. 10 in.

The Board considered the following for an area variance:

- a) *Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by granting the area variance.*

Finding: There will be no detriment to the neighborhood. One indication is that no one from the public came to speak against it. Another reason is that the applicant stated he wants to maintain his property consistent with the neighborhood. The driveway was also configured originally to allow for additional parking on that side and the carport would be consistent with that intended use.

- b) *Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance.*

Finding: To be consistent with the character of this neighborhood, the proposed location of the carport would be the best aesthetic and preferred solution. Other locations that might meet the zoning requirements would look out of place relative to other houses in the neighborhood.

- c) *Whether the requested area variance is substantial.*

Finding: No, this is only a request for less than 3 feet.

- d) *Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.*

Finding: No, the surface may be gravel and there is a swale to the south to accommodate any possible additional water runoff.

e) *Whether the alleged difficulty was self-created.*

Finding: there is only a one-car garage for two vehicles. The driveway was configured for additional parking in the proposed location of the carport.

Eckrich questioned whether this could be enclosed in the future by this applicant or subsequent owners. Curtis stated this had occurred before with the Sutton residence where there was a request to enlarge an existing nonconformity by enclosing an existing porch that was too close to the property line. This will be different though as this will now be a conforming structure due to the approval of the variance. Curtis noted a condition could be placed on the granting of the approval.

Dennis moved to grant the requested variance for 2003-1, Robert S. Miller for a carport at 28 Janivar Drive, subject to the condition that the carport conform to the design presented to the Board as part of this proposal. Seconded by Eckrich. A vote was taken to approve Appeal 2003-1. All aye.

**Approval of Minutes – November 19:**

Eckrich moved to approve the minutes of November 19, 2002 as revised. Seconded by Ward. All aye.

**Adjournment:**

Ward moved to adjourn the meeting at 8:25 P.M. Seconded by Dennis. All aye.