

Village of Lansing  
Board of Zoning Appeals  
Minutes of April 19, 2022

The meeting of the Village of Lansing BZA in person and via Zoom was called to order at 7:00 PM by Chair, Lynn Leopold.

**Present at the meeting:**

**BZA Members:** Roy Hogben, (Board Chair) Lynn Leopold, Mike Powell (zoom) and John Wisor

**Village Legal Counsel:** Natalie French

**Village CEO:** Michael Scott

**Attending:** Kevin Sullivan, Nathan Cook, and George Breuhaus

Leopold read the following agenda item:

*Kevin Sullivan, owner and operator of Catering By Luna, is requesting a use variance for the property located at 1638 East Shore Drive (Tax Parcel # 42.1-1-28.1). The original “Low traffic food and beverage” use for this parcel was a non-conforming use in the Low-Density Residential District but was allowed as per Village Code Section 145-65. Since then, the former owner discontinued the use for longer than 12 months (Village Code Section 145-65D) therefore, requiring the parcel use to conform with the LDR District regulations. The following is the appeal request:*

***Appeal No. 2022-01;***

***Use Variance for “Low traffic food and beverage” in the Low-Density Residential District.***

Hogben moved to open the public hearing. Seconded by Wisor

Ayes: Gillespie, Leopold, and Wisor

Nays: None

Sullivan reviewed the history of the property. The covid closedown resulted in the former owner having to shut down his catering business. Sullivan is now looking to purchase the property for his catering business but, because the facility did not host an event for over a year, the existing non-conforming “Low Traffic Food and Beverage” use would no longer be allowed as per Village Code. Sullivan stated that his business does hold events such as weddings during the summer months but, catering is done throughout the year. Sullivan has no major plan scheduled for renovation of the building.

Sullivan explained that parking is somewhat limited. When large events are planned, Sullivan requires a transportation plan be submitted involving some type of shuttle.

Breuhaus showed a site plan and described the area. Breuhaus explained that the past owners used a lot of revenue to update the facility specifically for the use intended and that it would be a shame to have to completely renovate or destroy a perfectly good building.

There is approximately 4,000 square feet.

Sullivan is currently in a lease/own contract pending Board approval for the use.

Cook stated that the existing owner is currently in bankruptcy in Florida and the property is controlled by the U. S. Bankruptcy Trustee. Cook stated that the Trustee is in favor of selling the property.

French reminded the Board that in order to grant a use variance, the applicant must pass all 4 criteria questions. French read through them.

The Board of Zoning Appeals reviewed the required questions.

Powell stated that the facility is already turn key for the use being proposed and the cost of retooling for another use would make it difficult for a return on the money.

Breuhaus stated that buying a \$300,000 lot just for the current allowed uses would not be practical.

The Board continued to review the required questions.

French stated that if you buy the property knowing that the “Low Traffic Food and Beverage” use is not allowed, then the hardship is self-inflicted. Sullivan said that that is why he has not bought the property yet. French recommended that the current owner or Trustee provide information to justify the hardship and how this situation was not created by them.

Cook gave some background of the bankruptcy and events leading to it.

Powell stated that it would make sense for the Trustees to apply for the variance because they are the ones with the hardship that would not be self-created.

Cook suggested that the Trustees join the application and provide a letter from the Trustees. The Board and French agreed.

The public hearing will remain open.

### **Approval of the October 19, 2021 Minutes**

Wisor motioned to approve the July 20, 2021 minutes. Hogben seconded.

Ayes: Hogben, Leopold, and Wisor

Nays: None

**Other Business**

Scott explained that when the variances were approved for the parcels within the Ithaca Mall Subdivision, each parcel was identified by an alphabetical letter. Now that the subdivision has been approved, those parcels now have tax map numbers. The approved variances need to be changed to show this.

The Board of Zoning Appeals voted on the following resolution:

*VILLAGE OF LANSING BOARD OF ZONING APPEALS RESOLUTION 2022-01A*

*ADOPTED ON APRIL 19, 2022*

Motion made by:     John Wisor    

Motion seconded by:     Roy Hogben    

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: Clarifying the resolutions passed on January 19, 2021, February 16, 2021 and July 20, 2021 regarding PMI NEWCO, LLC, owner of The Shops at Ithaca Mall, located at 40 Catherwood Drive (formerly all Tax Parcel # 47.1-1-22) which granted area variances to specific proposed parcels as were shown on the site survey;*
- B. At this time, the subdivision of The Shops at Ithaca Mall has been granted and the various proposed parcels have been assigned unique Village of Lansing tax map parcel numbers;*
- C. The Board of Zoning Appeals wishes to confirm that the variances previously granted extend to the new tax map parcel numbers and that any reading of the January 19, 2021, February 16, 2021 and July 20, 2021 resolutions listed shall be read to substitute the appropriate tax map parcel number in place of “proposed parcel” letter;*

**AND NOW THEREFORE BE IT RESOLVED**

- 1. The following January 19, 2021 resolutions apply to the following tax map parcel:*
  - a. Appeal No. 2021-01, Tax Map Parcel 47.1-1-22.4*
  - b. Appeal No. 2021-02, Tax Map Parcel 47.1-1-22.4*
  - c. Appeal No. 2021-03, Tax Map Parcel 47.1-1-22.4*
  - d. Appeal No. 2021-04, Tax Map Parcel 47.1-1-22.4*
  - e. Appeal No. 2021-05, Tax Map Parcel 47.1-1-22.4*
  - f. Appeal No. 2021-06, Tax Map Parcel 47.1-1-22.5*
  - g. Appeal No. 2021-07, Tax Map Parcel 47.1-1-22.5*
  - h. Appeal No. 2021-08, Tax Map Parcel 47.1-1-22.5*
  - i. Appeal No. 2021-09, Tax Map Parcel 47.1-1-22.5*
  - j. Appeal No. 2021-10, Tax Map Parcel 47.1-1-22.5*
  - k. Appeal No. 2021-11, Tax Map Parcel 47.1-1-22.5*
  - l. Appeal No. 2021-12, Tax Map Parcel 47.1-1-22.6*
  - m. Appeal No. 2021-13, Tax Map Parcel 47.1-1-22.6*
  - n. Appeal No. 2021-14, Tax Map Parcel 47.1-1-22.6*

- o. Appeal No. 2021-15, Tax Map Parcel 47.1-1-22.6*
  - p. Appeal No. 2021-16, Tax Map Parcel 47.1-1-22.6*
  - q. Appeal No. 2021-17, Tax Map Parcel 47.1-1-22.9*
  - r. Appeal No. 2021-18, Tax Map Parcel 47.1-1-22.9*
  - s. Appeal No. 2021-19, Tax Map Parcel 47.1-1-22.9*
  - t. Appeal No. 2021-20, Tax Map Parcel 47.1-1-22.9*
  - u. Appeal No. 2021-21, Tax Map Parcel 47.1-1-22.9*
  - v. Appeal No. 2021-22, Tax Map Parcel 47.1-1-22.9*
- 2. The following February 16, 2021 resolutions apply to the following tax map parcel:*
- a. Appeal No. 2021-23, Tax Map Parcel 47.1-1-22.3*
  - b. Appeal No. 2021-24, Tax Map Parcel 47.1-1-22.3*
  - c. Appeal No. 2021-25, Tax Map Parcel 47.1-1-22.3*
  - d. Appeal No. 2021-26, Tax Map Parcel 47.1-1-22.3*
  - e. Appeal No. 2021-27, Tax Map Parcel 47.1-1-22.3*
  - f. Appeal No. 2021-28, Tax Map Parcel 47.1-1-22.2*
  - g. Appeal No. 2021-29, Tax Map Parcel 47.1-1-22.2*
  - h. Appeal No. 2021-30, Tax Map Parcel 47.1-1-22.2*
  - i. Appeal No. 2021-31, Tax Map Parcel 47.1-1-22.2*
  - j. Appeal No. 2021-32, Tax Map Parcel 47.1-1-22.2*
  - k. Appeal No. 2021-33, Tax Map Parcel 47.1-1-22.2*
  - l. Appeal No. 2021-34, Tax Map Parcel 47.1-1-24*
  - m. Appeal No. 2021-35, Tax Map Parcel 47.1-1-24*
  - n. Appeal No. 2021-36, Tax Map Parcel 47.1-1-24*
  - o. Appeal No. 2021-37, Tax Map Parcel 47.1-1-24*
  - p. Appeal No. 2021-38, Tax Map Parcel 47.1-1-24*
- 3. The following July 20, 2021 resolutions apply to the following tax map parcel:*
- a. Appeal No. 2021-40, Tax Map Parcel 47.1-1-22.1*
  - b. Appeal No. 2021-41, Tax Map Parcel 47.1-1-22.1*
  - c. Appeal No. 2021-42, Tax Map Parcel 47.1-1-22.1*
  - d. Appeal No. 2021-43, Tax Map Parcel 47.1-1-22.1*
  - e. Appeal No. 2021-44, Tax Map Parcel 47.1-1-22.1*

*The vote on the foregoing motion was as follows:*

AYES: Hogben, Leopold, and Wisor

NAYS: None

The motion was declared to be carried

Scott reviewed possible agenda items for the next meeting.

**Adjournment:**

Leopold asked for a motion to adjourn at 8:09 PM. Moved by Hogben. Seconded by Wisor

Ayes: Hogben, Leopold, and Wisor

Nays: None

Minutes taken by: Michael Scott, CEO