



AGENDA
CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING
October 14, 2020 6:30 pm

Zoom meeting ID: 867 6651 8469
Zoom password: 5151

1. CALL MEETING TO ORDER
2. APPROVAL OF THE AGENDA
3. CORRECTIONS, APPROVAL AND RATIFICATION OF MINUTES
 - A. September 23, 2020 Meeting Minutes
4. COMMUNICATIONS
 - A. Ryan Fry RE: ZBA #20-10-14-1
 - B. Amna & Shafait Kahn RE: ZBA #20-10-14-2
 - C. Steve & Debbie Steinaker RE: ZBA #20-10-14-2
5. UNFINISHED BUSINESS
6. NEW BUSINESS

A. ZBA CASE NO. 20-10-14-1 (Fink), 6239 West Reynolds Road, Haslett, MI, 48840

DESCRIPTION: 5965 Marsh Road
TAX PARCEL: 10-205-019, 10-205-028, & 10-205-029
ZONING DISTRICT: C-1 (Commercial)

The applicant is requesting a variance from the following section of the Code of Ordinances:

- Section 86-756(10), Adjoining a residential district. Where a parking area with a capacity of less than 50 vehicles, or its associated internal access or service drives, adjoins a residential district, a landscaped buffer, at least 20 feet wide, shall be provided between the parking area and the adjoining property and a vertical screen shall be erected consisting of a masonry wall, plant materials, a landscaped earth berm, or a combination thereof, as appropriate for the site, no less than four feet in height. Where a parking area with a capacity of 50 or more vehicles, or its associated internal access or service drives, adjoins a residential district, a landscaped buffer, at least 40 feet wide, shall be provided between the parking area and the adjoining property and a vertical screen shall be erected consisting of a masonry wall, plant materials, a landscaped earth berm, or a combination thereof, as appropriate for the site, no less than four feet in height.

The applicant has requested a variance to construct a parking lot located at 5965 Marsh Road.

Variance requests may be subject to change or alteration upon review of request during preparation of the staff memorandum. Therefore, Sections of the Code of Ordinances are subject to change. Changes will be noted during public hearing meeting.

Individuals with disabilities requiring auxiliary aids or services should contact the Meridian Township Board by contacting:
Assistant Planner Justin Quagliata, 5151 Marsh Road, Okemos, MI 48864 or 517.853.4580 - Ten Day Notice is Required.
Meeting Location: 5151 Marsh Road, Okemos, MI 48864 Township Hall



AGENDA
CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING
October 14, 2020 6:30 pm

B. ZBA CASE NO. 20-10-14-2 (Maniaci), 3957 Palomino Drive, East Lansing, MI, 48823

DESCRIPTION: Parcel north of 3690 Hulett Road
TAX PARCEL: 32-400-014
ZONING DISTRICT: RAA (Single Family, Low Density)

The applicant is requesting a variance from the following section of the Code of Ordinances:

- Section 86-565(1), No accessory building shall project into any front yard.

The applicant has requested a variance to allow an accessory building (garage) to project into the front yard located at a parcel north of 3690 Hulett Road.

7. OTHER BUSINESS
8. PUBLIC REMARKS
9. BOARD MEMBER COMMENTS
10. ADJOURNMENT

Variance requests may be subject to change or alteration upon review of request during preparation of the staff memorandum. Therefore, Sections of the Code of Ordinances are subject to change. Changes will be noted during public hearing meeting.

Individuals with disabilities requiring auxiliary aids or services should contact the Meridian Township Board by contacting:
Assistant Planner Justin Quagliata, 5151 Marsh Road, Okemos, MI 48864 or 517.853.4580 - Ten Day Notice is Required.
Meeting Location: 5151 Marsh Road, Okemos, MI 48864 Township Hall

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS REGULAR MEETING MINUTES *DRAFT*
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, SEPTEMBER 23, 2020 6:30 PM
TOWN HALL ROOM**

PRESENT: Chair Mansour, Members Field-Foster, Hendrickson, Kulhanek, Wisinski,
ABSENT: None
STAFF: Director of Community Planning and Development Mark Kieselbach, Assistant
Planner Keith Chapman

1. CALL MEETING TO ORDER

Chair Mansour called the meeting to order at 6:31 p.m.

2. APPROVAL OF AGENDA

MEMBER FIELD-FOSTER MOVED TO APPROVE THE AGENDA AS SUBMITTED.

SECONDED BY MEMBER WISINSKI.

VOICE VOTE: Motion carried unanimously.

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

A. August 26, 2020 Meeting Minutes

MEMBER WISINSKI MOVED TO APPROVE THE MINUTES FROM WEDNESDAY, AUGUST 26, 2020 AS SUBMITTED.

SECONDED BY MEMBER HENDERICKSON

Chair Mansour asked the minutes be corrected to show Member Hendrickson was absent for the meeting.

VOICE VOTE: Motion carried unanimously.

4. COMMUNICATIONS

None

5. UNFINISHED BUSINESS

None

6. NEW BUSINESS

A. ZBA CASE NO. 19-111-13-1 (East Lansing Lodge, Inc.) 2736 Grand River Avenue, East Lansing, MI 48823

LOCATION: 2736 Grand River Avenue
PARCEL ID: 17-460-017
ZONING DISTRICT: C-2 (Commercial)

The applicant is requesting the Zoning Board of Appeals (ZBA) to rehear a previously denied variance in accordance with the following section of the Code of Ordinances:

- Section 86-225 – No application for a variance, which has been denied wholly or in part by the Zoning Board of Appeals, shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed circumstances found by the Zoning Board of Appeals to be sufficient to justify consideration.

If the ZBA decides to rehear the case the request is for a variance from the following section of the Code of Ordinances:

- Section 86-618(2), Nonconforming structures, other than single-family structures, may be altered, expanded, or modernized without prior approval of the Zoning Board of Appeals; provided, that structural alterations or extensions shall not increase the area, height, bulk, use, or extent of the structure and shall satisfy all other applicable site development regulations.

The variance request is to expand a nonconforming nonresidential structure with a decorative canopy addition at 2736 Grand River Avenue. The request is to rehear a previously denied variance.

Assistant Planner Chapman outlined the previously denied variance and outlined the procedure to rehear the variance request.

Chair Mansour asked the applicant or the applicant's representative if they would like to address the Zoning Board of Appeals (ZBA).

Ryan Nofar, 2736 E. Grand River, East Lansing, applicant, stated the franchise company had changed the variance request to allow for a canopy. The canopy would provide: coverage at the entrance of the building, an architectural feature and curb appeal to the building. The building and site received upgrades over this past year related to the rebranding of the hotel.

Chair Mansour opened the floor for public remarks and seeing none closed public remarks.

Member Hendrickson asked if the Zoning Ordinance required a one year period between requests when the variance had been denied and the process to rehear a case.

Director Kieselbach replied the Zoning Ordinance allows an exception from the one year when there is change of circumstances or proof of new evidence. The ZBA would need a vote to reconsider the variance request.

Member Hendrickson asked the applicant what had changed since the last variance request.

Mr. Nofar replied the original request had been for a larger structure with columns that extended into the parking lot. The proposed canopy over the entrance has been reduced in size.

Member Hendrickson asked staff if there was a definition for the term “change in circumstances” in the Zoning Ordinance.

Director Kieselbach replied the Zoning Ordinance did not define the term but the ZBA had considered changes such as redesign or in the extent or amount of the variance. The ZBA will need to decide if there is enough of a change in the variance request to rehear the case.

Member Field-Foster stated the current request is completely different from the previous request. She would support hearing the revised request.

Member Wisinski stated with the reduction in size of the structure, she would support rehearing the request.

Member Kulhanek stated it appeared to be a substantially different application.

Chair Mansour stated she agreed the request appeared to be significantly changed.

MEMBER KULHANEK MOVED TO REHEAR ZBA CASE NO. 19-11-13-1 (East Lansing Lodge, Inc.) FOR 2736 GRAND RIVER AVENUE, EAST LANSING, MI 48823.

SUPPORTED BY MEMBER WISINSKI.

ROLL CALL TO VOTE:

AYES: Members Field-Foster, Wisinski, Hendrickson, Kulhanek, Chair Mansour

NAYS: None

Motion carried: 5-0

Assistant Planner Chapman outlined the case for discussion

Chair Mansour asked the applicant or the applicant’s representative if they would like to address the Zoning Board of Appeals (ZBA).

Ryan Nofar, 2736 E Grand River, East Lansing, applicant, stated he was available for questions.

Member Field Foster asked if the canopy will be lighted.

Mr. Nofar replied lights will be installed underneath the canopy for the safety of the guest.

Member Hendrickson asked if the hotel could be operated without the canopy.

Mr. Nofar replied the hotel could operate without the canopy. The proposed canopy is a franchise requirement and creates a covered entrance for guests.

Chair Mansour stated the standards for the hotel brand could not be considered by the ZBA. Issues such as public safety could be considered.

Chair Mansour read review criteria one from Section 86-221 of the Code of Ordinances which states unique circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district. She stated the unique

circumstance was the building is nonconforming and any changes to the building would require a variance.

Chair Mansour read review criteria two which states these special circumstances are not self-created. She stated the circumstances were not self-created by the owner.

Chair Mansour read review criteria three which states strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties. Chair Mansour questioned whether the business could operate successfully without a canopy.

Member Hendrickson stated the business had operated in the past without a canopy. The ZBA's decision is not based on the owner or the brand standard. The variance request cannot meet review criteria three and four.

Member Field-Foster stated she also had concerns with review criteria three and four but considering the safety component such as the lighting and weather, the canopy would provide an extra type of security.

Chair Mansour read review criteria four which states that the alleged practical difficulties which will result from a failure to grant the variance would unreasonably prevent the owner from using the property for a permitted purpose. Chair Mansour stated she agreed with the safety component.

Chair Mansour reviewed criteria five which states granting the variance is the minimum action that will make possible the use of the land or structure in a manner which is not contrary to the public interest and which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice. Chair Mansour stated public safety with the issue and the reduction in the size of the canopy, the variance request could be considered the minimum action.

Chair Mansour read review criteria six which states granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property. Chair Mansour stated the upgrades to the building and the site will be an improvement to the adjacent area.

Chair Mansour read review criteria seven which states the conditions pertaining to the land or structure are not as general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable. Chair Mansour stated the site location and nonconforming building make it unique. The criteria had been met

Chair Mansour read review criteria eight which states granting the variance will be generally consistent with public interest and the purposes and intent of this Chapter. Chair Mansour stated the Township wants businesses to grow and be successful. The variance is consistent with public interest.

Member Wisinski stated consideration should be given to public safety and being ADA compliant. Review criteria three and four could be met based on providing protection from the weather, especially for the disabled guests.

Member Kulhanek stated based on the public safety aspect, providing an area to load and unload, and reducing the size of the canopy, the variance request would meet review criteria three and four.

Member Hendrickson stated the parking spaces that are ADA compliant are a distance from the building and exposed to the elements. If the canopy was over the parking area, then he would agree with the safety aspect. He questioned if the request solves the problem. He agrees public safety was met for review criteria eight but not for review criteria three and four. A canopy is not required to operate the business and the business has existed without a canopy for years. The applicant did not provide enough evidence to address review criteria three and four and the practical difficulties.

Mr. Nofar stated he was not aware the franchise request would not be consider and would have approached the variance request in a different manner. The covered protection for guests is needed during bad weather. Providing customers with a drop off area will address the safety aspect and offer convenience and security for the guests.

Chair Mansour asked the applicant if the canopy offers coverage for the office.

Mr. Nofar stated the canopy would cover the vestibule.

Chair Mansour stated although the ADA spaces are not located next to building, someone could be dropped off under the canopy and then enter the building.

Chair Mansour stated she could justify review criteria three for the public safety aspect because it does offer a covered area when entering into the hotel. The practical difficulty of not having a canopy is an issue because it would not prevent the owner from operating the business.

Member Field-Foster stated the building was built in 50s and expectations of hotels have changes such as having a covered entrance. The canopy would have been installed if it was not for being a nonconforming building.

Chair Mansour stated to be a modern hotel, some of these amenities are needed to be a success.

Member Hendrickson stated some of the modern amenities are expected from guests at a hotel but the owner knew the state of the building when it was purchased. This is an aesthetic change requested by corporate. Since the canopy is not required by code or in conflict with the Township ordinances, he is not sure it meets review criteria four.

Member Wisinski stated the ZBA need to look at how the canopy would protect guests and keep them safe. Not having a canopy is not an impediment as it pertains to the practical difficulty of the use.

MEMBER WISINSKI MOVED TO APPROVE THE VARIANCE BASED ON THE EIGHT REVIEW CRITERIA AS PRESENTED BY THE APPLICANT AND DISCUSSED BY THE BOARD.

SECONDED BY MEMBER KULHANEK.

Discussion:

Member Hendrickson stated he would not support the variance request. Nothing would prevent the use of the building as a hotel.

Chair Mansour stated she believes the variance request was needed in order to use the property successfully for the permitted use and it would modernize the building so it could be better used by guests.

ROLE CALL TO VOTE:

YEAS: Members Field-Foster, Kulhanek, Wisinski, Chair Mansour

NAYS: Member Hendrickson

Motion carried: 4-1

7. OTHER BUSINESS

None

8. PUBLIC REMARKS

Chair Mansour opened the floor for public remarks and seeing none closed public remarks.

Mr. Nofar thanked the ZBA for their consideration of the variance request.

9. BOARD MEMBER COMMENTS

Member Hendrickson stated staff works hard to prepare for meetings but suggested it would be helpful if applicants are advised by staff prior to appearing before ZBA on what can and cannot be considered.

Member Field-Foster stated she appreciated listening and participating in the discussions

Chair Mansour expressed appreciation for everyone's opinion. This is the process and we do not always agree.

10. ADJOURNMENT

Meeting adjourned at 7:33 pm.

Respectfully Submitted.

Robin Faust, Administrative Assistant II

04/21/2020

TO WHOM IT MAY CONCERN

MY NAME IS RYAN FRY AND I AM THE
OWNER OF THE HOUSE AT 5975 MARSH RD. HASLETT, MI 48840.

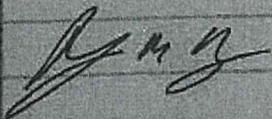
I AM AWARE OF THE EXPANSION AND PLANS FOR A
PARKING LOT AT THE ADJACENT PROPERTY TO THE SOUTH.

I HAVE NO OBJECTIONS TO THE PROPOSED PLANS.

IF YOU HAVE ANY QUESTIONS OR CONCERNS

PLEASE FEEL FREE TO CONTACT ME.

RYAN M. FRY



(517) 375-1265

To Whom It May Concern:

This letter is in regard to the variance request for 3639 Hulett Road, Okemos, MI 48864. We are the next-door neighbors of this site and are directly affected by the consequences of the variation, if granted.

Below are key points of applicant's argument:

- A. Unique circumstances and peculiar to land structure
- B. Not a self-created situation
- C. Strict interpretation and enforcement of provisions will cause practical difficulties
- D. Landmark garage/ unjust to the owner
- E. Variance will not adversely affect the adjacent properties or raise the city's tax base

Our responses to the applicant's arguments:

- A. This was not a surprise for the applicant. They knowingly bought the initial property under the so called unique and peculiar land situation from a business point of view, seeking a profit. They decided to split it into two parcels, then sold a portion of it and now want to profit from the second parcel by asking for a variation.
- B. The situation itself may not be self-created however it was not unknown at the time of purchase of the initial property. The applicant purchased the property in its current state and assumed all risks associated with the purchase in order for a chance at financial profit.
- C. The applicant is complaining about the strict implementations of the township's strict provision with all the technical difficulties and the cost of removing the garage.
 - a. Did they not do their due diligence on the building process/cost before splitting the parcel?
 - b. Did they just assume that the township will automatically grant them a variance?
- D. The garage alone does not serve as a landmark character. Rather, the garage is part of a "landmark home".
 - a. The applicant has already split the landmark home into two parcels for the sake of monetary gain.
 - b. The variation is being requested to build a new property over the adjacent yard of the "landmark home" (once again for monetary gain).
 - c. Clearly the applicant has no intentions of preserving any "landmarks". The applicant's interest lies only in profiting from their business adventure.
 - d. There is no question of being unjust to the applicant as they knew what they were purchasing especially considering the presence of 11-inch-thick concrete. They should have been prepared to deal with the situation and not ask for undue variation.
- E. 10 years ago, we paid a high price to purchase our lot due to its prime location. Since then, we have continued to pay handsome taxes on it. Over this period of time, we have trusted the township and its enforcement of its map and terms.
 - a. Despite our lack of support for it, the neighboring parcel was already split.

- b. At this stage we protest any further variance, as new construction close to our property will directly jeopardize the privacy of our lot, and as a result negatively impact the future value/worth of our property.
- c. In addition, further construction poses a serious threat to natural preserved habitats, local wildlife, plant species and the general beauty of land.

Therefore, we strongly oppose this variation request, and are asking the township to strictly enforce the standard guidelines. Your consideration will be highly appreciated.

Sincerely,

Amna / Shafait Khan
10/05/20

Amna and Shafait Khan
2730 Loon Lane
Okemos, MI 48864

Keith Chapman

From: Steven Steinacker <s_steinacker@yahoo.com>
Sent: Sunday, September 27, 2020 7:28 PM
To: Keith Chapman
Subject: Zoning Variance request for 3696 Hulett Road

Dear Mr. Chapman,

We own the house and live at 3690 Hulett Road, which is next door to 3696 Hulett Road where Renee and Chuck Maniaci plan to build a new house.

Please know we are supportive of their request to leave the existing garage where it is, even though it won't meet the zoning code because it will be forward of the new house they would like to build. It's set back far enough that it doesn't cause us any problem as we enter and exit our driveway. Plus, that garage has been there so long, there probably aren't many people who could remember what this section of Hulett Road was like without it. It's very solidly built out of concrete block and would be such a waste and shame to require it to be taken down as a condition for them to build a new home on the lot.

Sincerely,

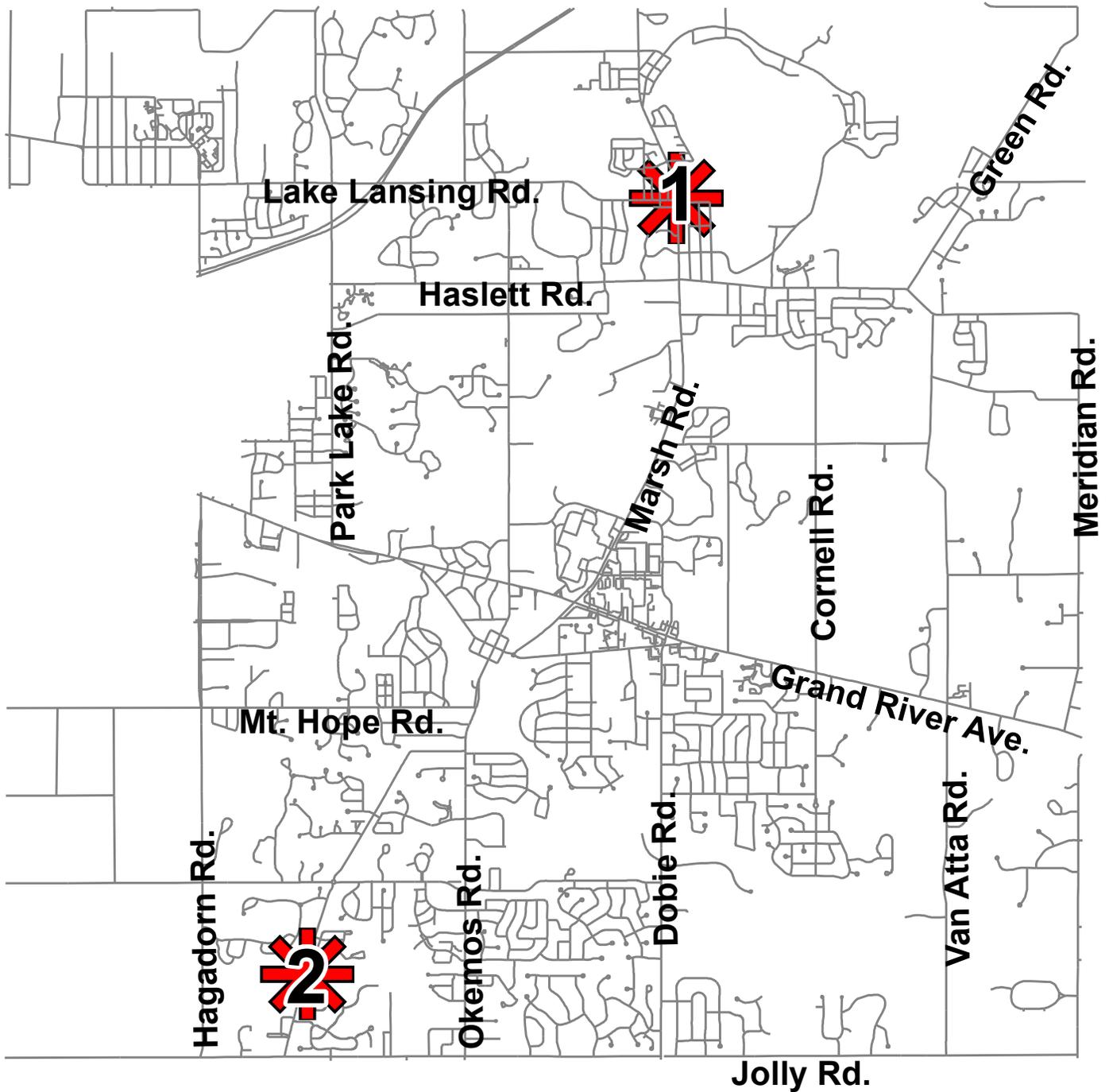
Steve and Debbie Steinacker
3690 Hulett Road
Okemos, MI 48864

VARIANCE APPLICATION SUPPLEMENT

A variance will be granted, if the following Review Criteria are met:

1. Unique circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district.
2. These special circumstances are not self-created.
3. Strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties.
4. That the alleged practical difficulties which will result from a failure to grant the variance would unreasonably prevent the owner from using the property for a permitted purpose.
5. Granting the variance is the minimum action that will make possible the use of the land or structure in a manner which is not contrary to the public interest and which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice.
6. Granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property.
7. The conditions pertaining to the land or structure are not so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable.
8. Granting the variance will be generally consistent with public interest and the purposes and intent of this Chapter.

Meridian Township



Location Map

1. ZBA #20-10-14-1 (Fink)
2. ZBA #20-10-14-2 (Maniaci)





To: Zoning Board of Appeals
From: Keith Chapman, Assistant Planner
Date: October 9, 2020
Re: ZBA Case No. 20-10-14-1 (Fink)

ZBA CASE NO.: 20-10-14-1 (Fink), 6239 West Reynolds Road Haslett, MI 48840
DESCRIPTION: 5965 Marsh Road & two vacant parcels
TAX PARCEL: 10-205-019, 10-205-028, & 10-205-029
ZONING DISTRICT: C-1 (Commercial)

The applicant is requesting a variance from the following section of the Code of Ordinances:

- Section 86-756(10), Adjoining a residential district. Where a parking area with a capacity of less than 50 vehicles, or its associated internal access or service drives, adjoins a residential district, a landscaped buffer, at least 20 feet wide, shall be provided between the parking area and the adjoining property and a vertical screen shall be erected consisting of a masonry wall, plant materials, a landscaped earth berm, or a combination thereof, as appropriate for the site, no less than four feet in height. Where a parking area with a capacity of 50 or more vehicles, or its associated internal access or service drives, adjoins a residential district, a landscaped buffer, at least 40 feet wide, shall be provided between the parking area and the adjoining property and a vertical screen shall be erected consisting of a masonry wall, plant materials, a landscaped earth berm, or a combination thereof, as appropriate for the site, no less than four feet in height.

The applicant has requested a variance to construct a parking lot located at 5965 Marsh Road along with two vacant parcels. The approximate 0.94 acre site is zoned C-1 (Commercial). The site plan shows the existing 2,827 square foot restaurant commonly known as The Watershed. The applicant plans to add 19 parking spaces to the existing parking lot on the north side, an increase from the existing 43 spaces to 62 spaces.

In 2009, a variance (ZBA #09-08-12-2) was granted to allow 43 parking spaces where 75 is required for the restaurant. Section 86-755 states that restaurants must provide one parking space for each 75 square feet of usable floor area, plus one for every four seats or one for 37 1/2 square feet of usable floor area, whichever is greater. With the addition of the 19 parking spaces the site is 13 spaces short of the required 75, a variance is not required for the number of parking spaces.

Zoning Board of Appeals
October 14, 2020
RE: ZBA Case No. 20-10-14-1 (Fink)
Page 2

The new parking lot is proposed to be 15 feet from the property line to the north. The parcels to the north are zoned RB (Single Family, High Density). Section 86-765(10) requires that the parking lot be setback 40 feet from any residential property. In 2019, the Township Board initiated a rezoning (REZ #19020) that included the parcels to the north. The parcels were originally zoned C-1 (Commercial), which would have allowed for a 15 foot setback for the parking lot. The applicant is proposing the parking lot to be 15 feet from the residentially zoned parcels to the north, requiring a variance of 25 feet.

If the Zoning Board of Appeals decides to approve the request, staff recommends the following condition:

- The applicant shall combine the three parcels into one parcel.

Attachments

1. Application material
2. Site Plan
3. Site location map
4. Zoning map prior to REZ #19020

G:\COMMUN PLNG & DEV\PLNG\ZBA\2020 ZBA\ZBA 20-10-14\ZBA 20-10-14-1 (Fink)\STAFF REPORT

The Watershed

Answers to supplemental questions on Zoning Board of Appeals Application

1. This project consists of a parcel located in the C-1 Zoning District. The current and historic use of the property is a restaurant. Unique circumstances exist with regards to the property because of the re-zoning of parcels adjacent to it. The parcels to the North of the subject property were re-zoned from C-1 to RB in 2019. This created a unique circumstance with regards to the restaurant's parking capabilities. With the original zoning of C-1, the restaurant would have had a 15' setback from the North line. When the property was re-zoned to RB, the parking setback increased to 40'. Having a 40' setback from the property line to the North does not allow the restaurant to provide additional parking that is needed.
2. The circumstances of the parking setback increase were not self-created, these were changed due to the re-zoning of the properties to the North, from Commercial to Residential.
3. The requirements in the Zoning Ordinance would increase the parking setback by 25' because of the re-zoning from commercial to residential. Strict interpretation of the ordinance would not allow for a feasible parking lot addition due to the increased parking setbacks from a residential zoning district.
4. Without a variance for the parking setback, the requirements in the Zoning Ordinance make the parcels unfairly restricted in the re-development of the parking lot.
5. Kebs, Inc. looked at different layouts for this site to minimize variance requests. However, due to the parcel size it is not possible to add parking with the existing 40' parking setback. A 15' setback can be provided as shown on the site plan, and this would meet the ordinance requirement if the property was still zoned C-1. The proposed development is utilized by the public quite often due to its location in the near vicinity of the Lake Lansing Park. On occasion, some patrons will park their cars in the Watershed Parking lot and walk over to the park. This is enforced at times but cannot always be monitored. The addition of spaces at the Watershed would be in the public interest and would help to provide needed spaces at the restaurant.
6. Granting the variances would not adversely affect the adjacent land or character of the area. The parking lot addition would be relatively small and would be properly landscaped and screened. On the North side of the lot (adjacent to the residential parcels) a privacy fence and/or landscape screening could be provided to help provide an additional barrier between the properties. There is already an existing privacy fence that covers a large portion of property.

7. This site was unfairly restricted due to the requirements of the Zoning Ordinance after the re-zoning of the property. This would normally be a practicable requirement under the zoning, but due to the re-zoning of property, the owner was not aware that the setback between the properties would be increased from 15' to 40'.
8. Granting the variance for this project will improve the existing property and enhance the surrounding properties, which is in the best interest of the public. It will allow the existing restaurant to add much needed parking and improve upon its customer needs for years to come. The site improvements will meet the intent of the zoning ordinance.

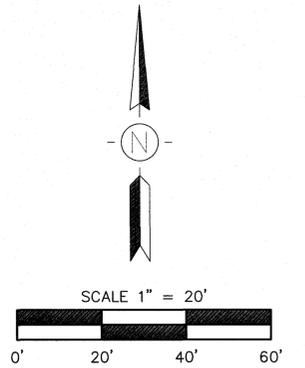
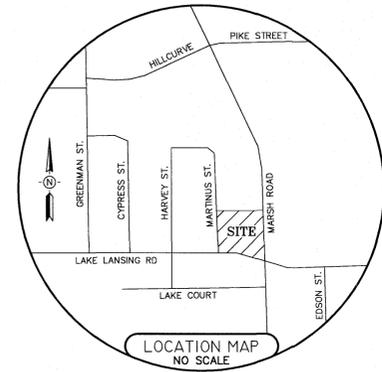
Prepared by: Greg Petru, P.E.
Kebs, Inc.
2116 Haslett Road
Haslett, Michigan 48840

OWNER:
 MARK FINK
 6239 W. REYNOLDS
 HASLETT, MI 48840-8906
 PH: (517) 420-6663

ENGINEER/SURVEYOR:
 KEBS, Inc.
 2116 HASLETT RD.
 HASLETT, MI. 48840
 PH: (517) 339-1014

Marks Watershed

MERIDIAN TOWNSHIP, INGHAM COUNTY, MICHIGAN



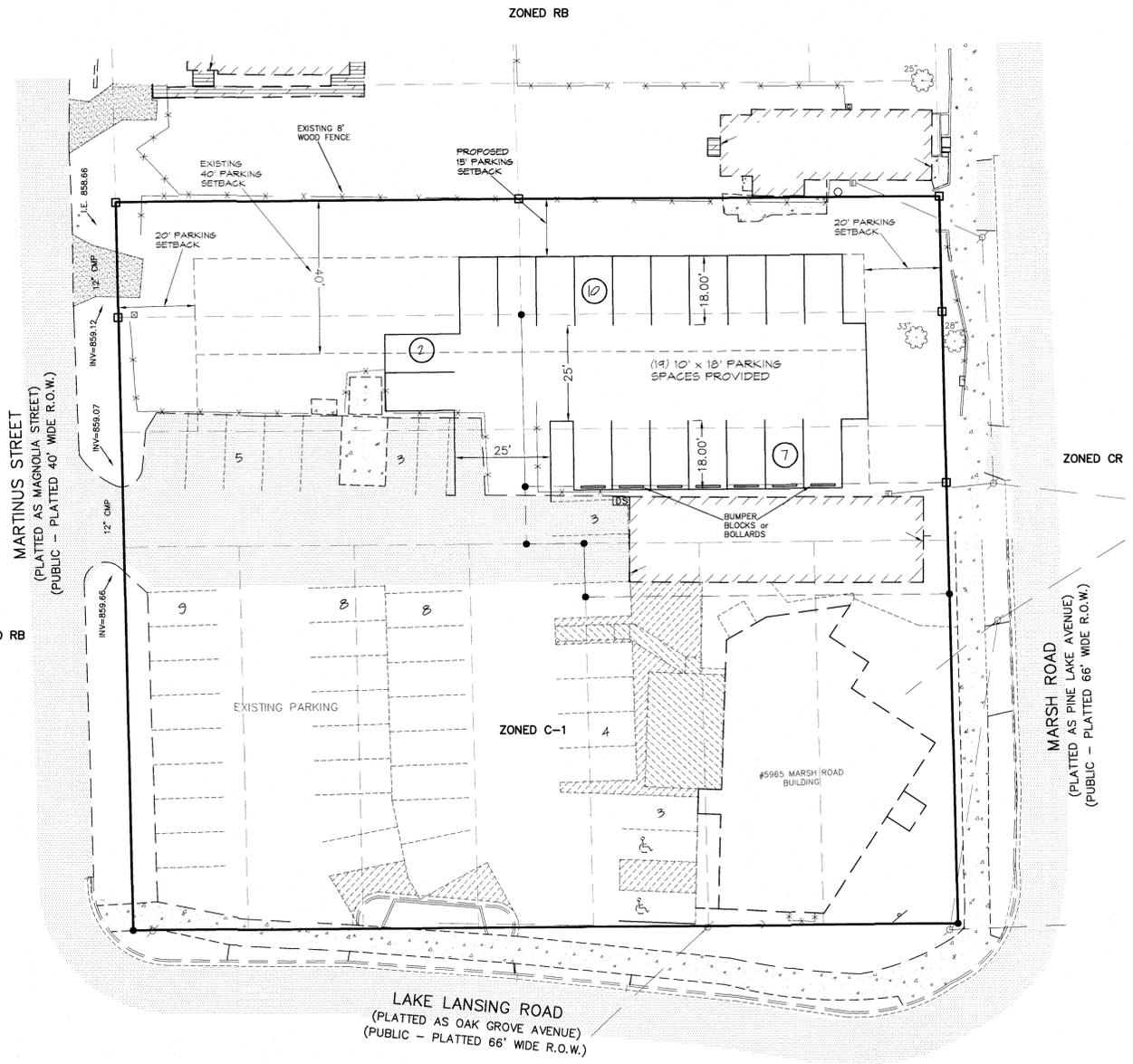
SITE DATA
 PROPOSED PARKING LOT ADDITION
 TOTAL SITE AREA = 40,855 SF = 0.94 ACRES
 ZONED C-1 (GENERAL COMMERCIAL)

BUILDING DATA:
 NO CHANGES TO BUILDING

PARKING
 PROPOSED (19) SPACES
 EXISTING (43) SPACES
 TOTAL PROVIDED = 62 SPACES

UTILITIES
WATER:
 EXISTING TO REMAIN
SANITARY:
 EXISTING TO REMAIN
STORM:
 ON-SITE TREATMENT
TRASH:
 EXISTING TO REMAIN

SECTION	REQUIREMENT	REASON	VARIANCE REQUESTED	COMPARISON TO EXT.
86-756 (10)	Adjoining a residential district. Where a parking area with a capacity of less than 50 vehicles, or its associated internal access or service drives, adjoins a residential district, a landscaped buffer, at least 20 feet wide, shall be provided between the parking area and the adjoining property and a vertical screen shall be erected consisting of a masonry wall, plant materials, a landscaped earth berm, or a combination thereof, as appropriate for the site, no less than four feet in height. Where a parking area with a capacity of 50 or more vehicles, or its associated internal access or service drives, adjoins a residential district, a landscaped buffer, at least 40 feet wide, shall be provided between the parking area and the adjoining property and a vertical screen shall be erected consisting of a masonry wall, plant materials, a landscaped earth berm, or a combination thereof, as appropriate for the site, no less than four feet in height.	PARKING LOT ADDITION	25'	EXISTING SETBACK = 40' PROPOSED SETBACK = 15'



LEGAL DESCRIPTIONS:

(As provided in Tax ID# 33-02-02-10-205-028): Lots 15, 16 & 17 except the North 14 feet thereof, Oak Grove Park Subdivision. Also entire Lots 18, 19, 20, 21, 22 & 23, Oak Grove Park Subdivision as recorded in Liber 3 of Plats, Page 33, Ingham County Records.

(As provided in Tax ID# 33-02-02-10-205-019): Lot 13 and the North 1/2 of Lot 14, Oak Grove Park Subdivision as recorded in Liber 3 of Plats, Page 33, Ingham County Records.

(As provided in Tax ID# 33-02-02-10-205-029): Lots 12 & 24, Oak Grove Park Subdivision as recorded in Liber 3 of Plats, Page 33, Ingham County Records.

SURVEYOR'S NOTES:

- This plan was made at the direction of the parties named herein and is intended solely for their immediate use. Survey prepared from fieldwork performed in October 2019.
- All bearings and distances on the survey are record and measured unless otherwise noted.
- All elevations are North American Vertical Datum of 1988 (NAVD88).
- All dimensions are in feet and decimals thereof.
- No building tie dimensions are to be used for establishing the property lines.
- There are no observable potential encroachments onto the subject property from adjoining lands, or from the subject property onto adjoining lands, except as shown hereon.
- Parcels have direct access to public Lake Lansing Road, public Marsh Road & public Martinus Street.
- Easements, if any, not shown.
- Utility information as shown was obtained from available public records and from supporting field observations, where possible, and is subject to verification in the field by the appropriate authorities prior to use for construction.
- There were no wetlands delineated on site at the time of this survey.
- By scaled map location and graphic plotting only, this property lies entirely within Flood Zone "X", areas outside the 0.2% annual chance floodplain, according to the National Flood Insurance Program, Flood Insurance Rate Map for the Charter Township of Meridian, Ingham County, Michigan, Community Plan No. 260093 0043 D, dated August 16, 2011.
- All improvements not shown. Improvements are only shown on North side of site per mapping limits defined in the survey proposal.

LEGEND

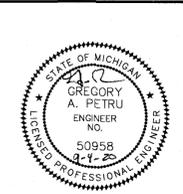
(M) = MEASURED DISTANCE	⊙ = SANITARY MANHOLE
(R) = RECORD DISTANCE	⊕ = DRAINAGE MANHOLE
• = SET 1/2" BAR WITH CAP	⊖ = ELECTRIC MANHOLE
□ = FOUND IRON AS NOTED	⊗ = TELEPHONE MANHOLE
— = DEED LINE	⊕ ⊞ = CATCHBASIN
— = DISTANCE NOT TO SCALE	⊙ ∞ = SANITARY CLEANOUT
— = FENCE	⊕ ⊞ = FIRE HYDRANT
— = ASPHALT	⊕ ⊞ = VALVE
— = CONCRETE	⊕ ⊞ = UTILITY POLE
— = DECK	⊕ ⊞ = LIGHT POLE
— = GRAVEL	⊕ ⊞ = GUY POLE
— = EXISTING CONTOUR ELEVATION	⊕ ⊞ = GUY WIRE
— = BUILDING OVERHANG	⊕ ⊞ = UTILITY PEDESTAL
— = SANITARY SEWER	⊕ ⊞ = TRANSFORMER
— = STORM SEWER	⊕ ⊞ = HANDHOLE
— = WATER LINE	⊕ ⊞ = ELECTRIC METER
— = GAS LINE	⊕ ⊞ = GAS METER
— = UNDERGROUND TELEPHONE	⊕ ⊞ = WATER METER
— = UNDERGROUND TELEVISION	⊕ ⊞ = SIGN
— = UNDERGROUND ELECTRIC	⊕ ⊞ = POST
— = OVERHEAD WIRES	⊕ ⊞ = AIR CONDITIONING UNIT
— = EDGE OF WOODS	⊕ ⊞ = DOWNSPOUT
— = DECIDUOUS TREE	
— = CONIFEROUS TREE	

BENCHMARKS:

BM#1 - ELEVATION 861.65 (N.A.V.D. 88)
 SET PK NAIL IN EAST SIDE OF POWER POLE IN NORTHWEST QUADRANT OF MARTINUS STREET & LAKE LANSING ROAD

BM#2 - ELEVATION 864.23 (N.A.V.D. 88)
 TOP SOUTHWEST FLANGE BOLT ON FIRE HYDRANT UNDER "A" IN USA, SOUTHWEST QUADRANT OF LAKE LANSING & MARSH ROADS NORTH OF ICE CREAM PARLOR.

⊙ DENOTES PROPOSED NUMBER OF 10' x 18' PARKING SPACES



REVISIONS 11-6-19 PRELIMINARY SKETCH 3-25-20 VARIANCE SUBMITTAL 9-4-20 VARIANCE SUBMITTAL		KEBS, INC. KYES ENGINEERING BRYAN LAND SURVEYS 2116 HASLETT ROAD, HASLETT, MI 48840 PH. 517-339-1014 FAX. 517-339-8047 Marshall Office Ph. 269-781-9800	
Marks Watershed VARIANCE REQUEST PLAN			
SCALE: 1" = 20'	DESIGNER: GAP	APPROVED BY: GAP	
DATE: 10-28-19	PROJECT MGR: GAP	SHEET 1 OF 1	
AUTHORIZED BY: MARK FINK	JOB #: 95835		

SURVEY#95835.LOT/TOP



RC
Hillcurve Ave

RD

PO

Pepper Ridge Dr

RB

CR

Cypress St

RB

Harvey St

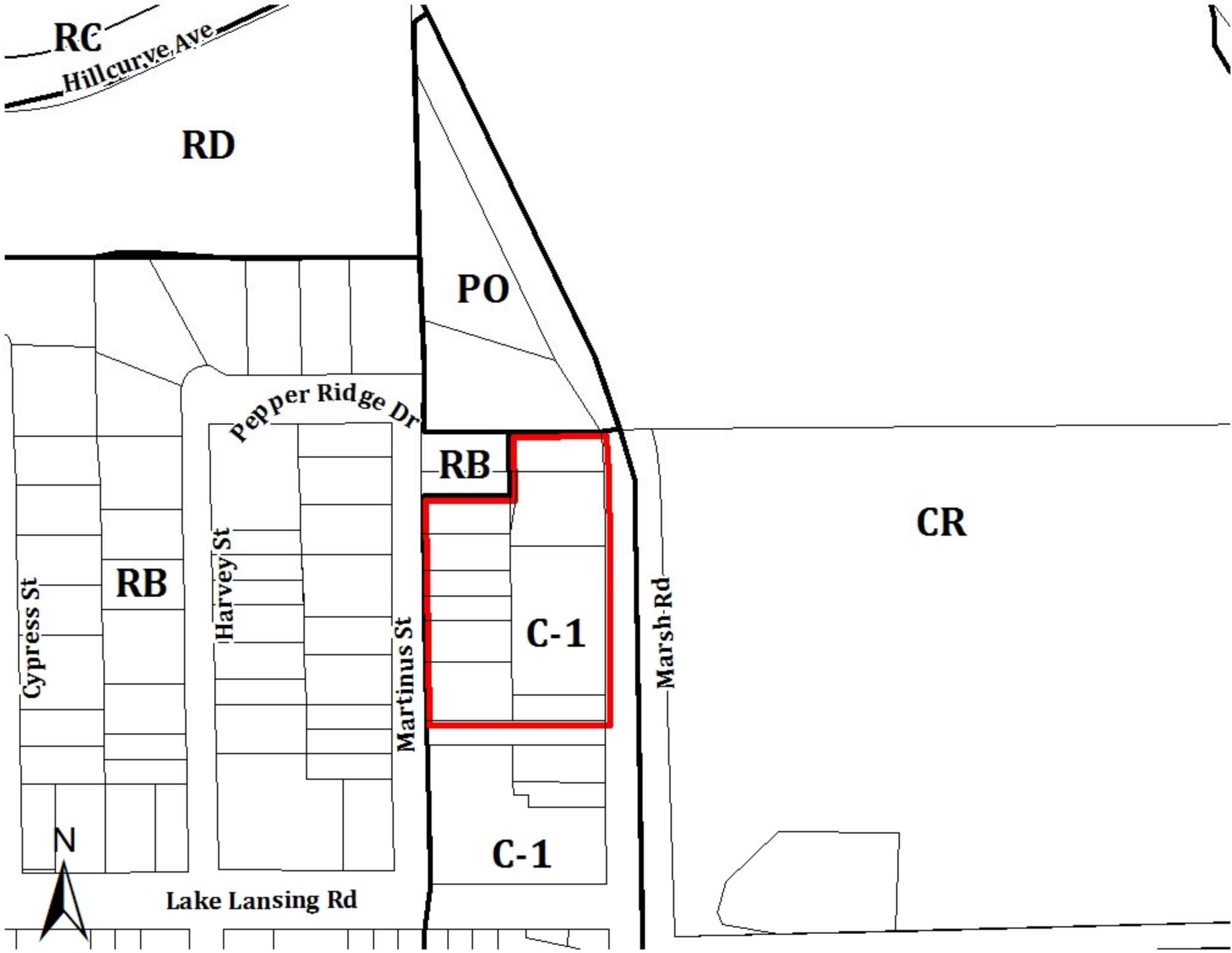
Martinus St

C-1

Marsh Rd

C-1

Lake Lansing Rd





To: Zoning Board of Appeals
From: Keith Chapman, Assistant Planner
Date: October 9, 2020
Re: ZBA Case No. 20-10-14-2 (Maniaci)

ZBA CASE NO.: 20-10-14-2 (Maniaci), 3957 Palomino Drive, East Lansing, MI 48823
DESCRIPTION: Parcel north of 3690 Hulett Road
TAX PARCEL: 32-400-014
ZONING DISTRICT: RAA (Single Family, Low Density)

The applicant is requesting a variance from the following section of the Code of Ordinances:

- Section 86-565(1), No accessory building shall project into any front yard.

The applicant has requested a variance to allow an accessory building (garage) to project into the front yard located at a parcel north of 3690 Hulett Road. The approximate 0.43 acre site is zoned RAA (Single Family, Low Density).

The plot plan shows the existing nonconforming 900 square foot garage located in the front yard of the proposed 1,750 square foot single family house. Prior to the creation of the parcel the nonconforming garage was on a larger parcel with a single family house and pole barn at 3690 Hulett Road.

In 2016 the site was rezoned from RR (Rural Residential) to RAA (Single Family, Low Density) (REZ #16030). Then in 2017 the original parcel, 3690 Hulett Road, was split to create two parcels (CR #16083). Also in 2017 the applicant was denied a variance (ZBA #17-03-08-1) to construct a house of approximately 2,100 square feet at its closest point will be setback 68 feet from the centerline of the Hulett Road right-of-way, where an 85 foot setback is required.

The garage was built in 1960 and is located on a parcel created by the land division in 2017. Approval of a land division is based on the parcel meeting the minimum width and area requirement for the zoning district where the parcel is located, The RAA zoning district requires a width along the road right-of-way of 90 feet and a minimum area of 13,500 square feet. A land division does not take into consideration if an existing building will become nonconforming due to how the parcel is divided.

The land division approved in 2017 caused the existing garage and the existing pole barn to be nonconforming. Section 86-502 of the Zoning Ordinance requires accessory buildings (garage/pole barn) to be located on the same parcel as the principal building (house). The construction of the proposed house will remove that nonconformity but will create another nonconformity related to the existing garage. Section 86-565(1) does not allow an accessory building to project into a front yard. The garage is nonconforming because it is located

Zoning Board of Appeals
October 14, 2020
RE: ZBA Case No. 20-10-14-2 (Maniaci)
Page 2

47 feet from the centerline of Hulett Road, which does not meet the required setback of 85 feet from the centerline and because it will be located in the front yard of the proposed single family home. The building is located 47 feet from the centerline line of Hulett Road, 16 feet from the proposed single family home, and 13 feet from the south property line. The nonconforming garage will project 37 feet in front of the principal structure, requiring a 37 foot variance.

A wetland delineation (WDV #17-01) was conducted in 2017 on wetlands located near the eastern property line. The proposed single family home is located 43.5 feet from the edge of the wetland boundary an 3.5 feet from the 40 foot wetland setback. If the variance is approved the applicant will need to have the delineation updated to confirm the location of the wetlands.

Attachments

1. Application material
2. Plot Plan
3. March 8, 2017 Zoning Board of Appeals meeting minutes
4. Site location map

G:\COMMUN PLNG & DEV\PLNG\ZBA\2020 ZBA\ZBA 20-10-14\ZBA 20-10-14-2 (Maniaci)\STAFF REPORT



CHARTER TOWNSHIP OF MERIDIAN
PLANNING DIVISION
5151 MARSH ROAD, OKEMOS, MI 48864
(517) 853-4560

VARIANCE APPLICATION

A. Applicant Chuck Maniaci
Address of Applicant 3957 Palomino Drive East Lansing, MI 48823
Telephone (Work) _____ Telephone (Home) 517-256-9099
Fax no fax Email address: chuckmaniaci@gmail.com
Interest in property (circle one): Owner Tenant Option Other

B. Site address/location 3696 Hulett Road Okemos, MI 48864
Zoning district RAA Parcel number 33-02-02-32-400-014

C. Nature of request (Please check all that apply):
 Request for variance(s)
 Request for interpretation of provision(s) of the "Zoning Ordinance" of the Code of Ordinances
 Review an order, requirements, decision, or a determination of a Township official charged with interpreting or enforcing the provisions of the "Zoning Ordinance" of the Code of Ordinances

Zoning Ordinance section(s) § 86-565 Accessory buildings. [Code 1974, § 83-4.5]

D. Required Supporting Material Supporting Material if Applicable
-Property survey -Architectural sketches
-Legal description -Other
-Proof of property ownership or approval letter from owner
-Site plan to scale
-Written statement, which demonstrates how all the review criteria will be met (See next page)

C. Maniaci
Signature of Applicant

Charles Maniaci
Print Name

9/10/2020
Date

Fee: _____ Received by/Date: _____

I (we) hereby grant permission for members of the Charter Township of Meridian Zoning Board of Appeals, Township staff members and the Township's representatives or experts the right to enter onto the above described property (or as described in the attached information) in my (our) absence for the purposes of gathering information including but not limited to the taking and the use of photographs. (Note to Applicant(s): This is optional and will not affect any decision on your application.)

C Maniaci
Signature of Applicant(s)

9/10/2020
Date

Signature of Applicant(s)

Date

Variance Request for an existing accessory building that will be forward of a new house scheduled for construction at 3696 Hulett Road.

§ 86-565 **Accessory buildings.**

[Code 1974, § 83-4.5]

The following shall apply to accessory buildings:

(1) In a front yard. No accessory building shall project into any front yard.

Variance Application, Section D – Required Supporting Material:

- Property Survey – see included survey of site as it currently exists
- Legal Description: (M-32-20-1) PART OF SE 1/4 OF SEC 32 T4N R1W DESC AS COM AT E 1/4 COR OF SEC 32 - S00D 28'37"E ALNG E SEC LN 458 FT - S89D 45'08"W 2086.05 FT TO POB - S07D 47'10"W 147.93 FT - N81D 42'50"W 176.59 FT TO C/L OF HULETT RD - N14D 17/10E ALNG SD C/L 124.25 FT - N89D 45'08"E 164.13 FT TO POB .52 AC M/L SPLIT/COMBINED ON 02/16/2017 FROM 33-02-02-32-400-003
- Proof of Property Ownership, from BSA Online Public Records:

3696 HULETT RD OKEMOS, MI 48864 (Property Address)
Parcel Number: 33-02-02-32-400-014

Property Owner: MANIACI, CHARLES

Summary Information

- > Residential Building Summary
 - Year Built: 2016
 - Full Baths: 1
 - Sq. Feet: N/A
 - Bedrooms: 0
 - Half Baths: 0
 - Acres: 0.526
- > Assessed Value: \$16,200 | Taxable Value: \$14,921
- > Property Tax information found
- > 1 Building Department records found

Item 1 of 2 0 Images / 2 Sketches

Property Information | Tax Information | Building Department

Jump To: Owner and Taxpayer Information | General Information for Tax Year 2020 | Land Information | Legal Description | Sale History | Building Information - 0 sq ft 2 STORY (Residential) | Building Information - 1200 sq ft Farm Utility Buildings (Agricultural)

Click here to add this parcel to your favorite records for easy access on your next visit...

Owner and Taxpayer Information

Owner	Taxpayer
MANIACI, CHARLES 2553 SUNDANCE OKEMOS, MI 48864	SEE OWNER INFORMATION

- Site Plan to Scale - see included survey/plot plan
- Written Statement – see below

1. Unique circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district.

This residential parcel came with an existing, fully functional and solidly built (of concrete block), 900 square foot garage. This is a very unique circumstance for land in the same RAA (or probably any other) zoning district.

2. These special circumstances are not self-created.

This garage has existed since at least 1960, and was forward of the original Patterson farm house when it was built facing Hulett Road. Since 1960, Hulett Road has been widened, then paved. The Patterson property was split in 2016, and this garage is now on a separately identified parcel.

3. Strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties.

Strict interpretation and enforcement of the literal terms would result in a very significant practical difficulty by rendering the parcel with the existing garage unable of supporting a residence. The garage is 53 feet from the center line of Hulett Road. Since any new house built must comply with current ordinances, and those ordinances require the house be built at least 85 feet from the center line of the road, it will automatically create a variance if a house is built. It isn't possible to properly build a house on this parcel without the existing garage being forward of the house.

This is a situation where we are trying to improve an existing residential parcel by building a new house and remain members of the Okemos community. The parcel happens to have a very viable accessory building already on it. It would be wasteful and expensive to tear it down, which is another practical difficulty.

4. That the alleged practical difficulties which will result from a failure to grant the variance would unreasonably prevent the owner from using the property for a permitted purpose.

Failure to grant the variance will prevent the property owner from being able to build a home on this residential lot without taking the unreasonable measure (and incurring the expense) of tearing down the landmark garage and removing its foundation and 11+ inch thick concrete floor.

5. Granting the variance is the minimum action that will make possible the use of the land or structure in a manner which is not contrary to the public interest and which would carry out the spirit of this zoning ordinance, secure public safety, and provide substantial justice.

Granting the variance is the action needed to allow use of the land in a manner that it's intended (residential). Building a new home on this parcel is in the public interest by bringing another homeowner into the area and raising the property tax base. Justice is provided to the property owner by allowing the construction of their new home on their residential lot. Granting the variance to let this garage remain where it's been for 60 years is not contrary to the public interest. It's within the spirit of the ordinance because it is not creating a nuisance, not affecting neighboring properties, not having a negative impact on the general public.

6. Granting the variance will not adversely affect adjacent land or the essential character in the vicinity of the property.

The existing garage has been there for 60 years. It's become somewhat of a landmark that many people are familiar with as they walk, ride bicycles and drive by it every day. There is no adverse impact to adjacent properties.

7. The conditions pertaining to the land or structure are not so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable.

This is a very specific situation where a buildable parcel in the township is available with a garage already on it.

8. Granting the variance will be generally consistent with public interest and the purposes and intent of this Chapter.

Having been there for 60 years, many members of the public have used this garage as a landmark. The addition of a new house and a family living on the parcel will be a welcome addition to the community.

SOIL EROSION CONTROL PLAN

	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY 2021	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY
TEMP SEC MEASURES	X	X	X	X	X	X						
EXCAVATION	X	X	X	X	X	X						
HOME CONSTRUCTION	X	X	X	X	X	X						
TOPSOIL SPREADING			X	X	X	X						
SEEDING & MULCHING			X	X	X	X						
FINAL INSPECTION					X	X						

(SCHEDULE IS SUBJECT TO CHANGE)

APPROX. EXCAVATION= 584 CUBIC YDS.

LIMITS OF DISRUPTION= 1' INSIDE OF LOT LINES ON ENTIRE LOT

TEMPORARY EROSION CONTROL TO BE INSTALLED, MAINTAINED AND REMOVED BY BUILDER.

PERMANENT EROSION CONTROL TO BE INSTALLED AND MAINTAINED BY PROPERTY OWNER

NOTES:

1. CONSTRUCTION DRIVE WILL BE PROVIDED WITH CRUSHED STONE OR CRUSHED CONCRETE SIZE 2"-3"
2. NO WETLANDS WERE LOCATED FOR THIS PLAN.
3. ALL CATCH BASINS ARE TO BE EQUIPPED WITH FILTER CLOTH.

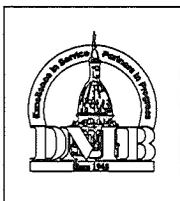
SOIL TYPES:

CvraaB- CONOVER LOAM, 0-4% SLOPES

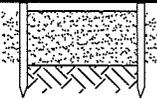
(ACCORDING TO WEBSOILSURVEY.NRCS.USDA.GOV)

NOTE: ANY STOCKPILING OF SOIL SHALL BE SURROUNDED BY SILT FENCE. SEEDED IF LEFT OVER 6 MONTHS.

STORM WATER FROM THIS SITE WILL NOT ADVERSELY IMPACT ADJACENT PROPERTIES.



**MICHIGAN DEPARTMENT OF MANAGEMENT AND BUDGET
S-E-S-C KEYING SYSTEM**

KEY	BEST MANAGEMENT PRACTICES	SYMBOL	WHERE USED
EROSION CONTROLS			
E8	PERMANENT SEEDING		Stabilization method utilized on sites where earth change has been completed (final grading attained).
S51	SILT FENCE		Use adjacent to critical areas, to prevent sediment laden sheet flow from entering these areas.
S53	STABILIZED CONSTRUCTION ACCESS		Used at every point where construction traffic enters or leaves a construction site.
S58	INLET PROTECTION FABRIC DROP		Use at stormwater inlets, especially at construction sites.



**KEBS, INC. KYES ENGINEERING
BRYAN LAND SURVEYS**

2116 HASLETT ROAD, HASLETT, MI 48840
PH. 517-339-1014 FAX. 517-339-8047

13432 PRESTON DRIVE, MARSHALL, MI 49068
PH. 269-781-9800 FAX. 269-781-9805

DRAWN BY SLH	SECTION 32, T4N, R1W
FIELD WORK BY --	JOB NUMBER:
SHEET 2 OF 2	97012.HSE

**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING MINUTES ***DRAFT***
5151 MARSH ROAD, OKEMOS MI 48864-1198
517.853.4000
WEDNESDAY, March 8, 2017**

PRESENT: Members Jackson, Ohlrogge, Lane, Stivers, Chair Beauchine
ABSENT: None
STAFF: Mark Kieselbach, Director of Community Planning and Development,
Keith Chapman, Assistant Planner

A. CALL MEETING TO ORDER

Chair Beauchine called the meeting to order at 6:30 p.m.

B. APPROVAL OF AGENDA

Chair Beauchine requested to amend the agenda to add a recess between Item C. Minutes and Item D. Communications to review the late communication from Cathy Baird, 3720 Hulett Road, Okemos.

MEMBER JACKSON MOVED TO APPROVE THE AGENDA AS AMENDED.

SECONDED BY MEMBER STIVERS.

VOICE VOTE: Motion carried unanimously.

C. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

Wednesday, February 22, 2017

MEMBER LANE MOVED TO APPROVE THE MINUTES OF WEDNESDAY FEBRUARY 22, 2017 AS WRITTEN.

SECONDED BY MEMBER JACKSON.

VOICE VOTE: Motion carried unanimously.

Chair Beauchine recessed the meeting at 6:33 p.m.

Chair Beauchine reconvened the meeting at 6:40 p.m.

D. COMMUNICATIONS

- Amna & Shafait Khan, 2730 Loon Lane RE: ZBA #17-03-08-1
- Julie VanDyke, 2641 Loon Lane RE: ZBA #17-03-08-1
- Patricia David, 3715 Hulett Road RE: ZBA #17-03-08-1
- David M. Hallman, DDS, 3922 Hulett Road RE: ZBA #17-03-08-1
- Timothy Mansfield, 2630 Loon Lane RE: ZBA #17-03-08-1
- William & Nova Fleming, 2675 Loon Lane RE: ZBA #17-03-08-1
- Vasif C. Kalfa, 2663 Loon Lane RE: ZBA #17-03-08-1
- Hayong & Minjung Yun, 2648 Loon Lane RE: ZBA #17-03-08-1
- Anne Miranda 2725 Loon Lane RE: ZBA #17-03-08-1

F. UNFINISHED BUSINESS

None.

G. NEW BUSINESS**1. ZBA CASE NO.17-03-08-1 (Charles Maniaci), PARCEL NORTH OF 3690 HULETT ROAD, OKEMOS, MI, 48864**

DESCRIPTION: Parcel north of 3690 Hulett Road
TAX PARCEL: 32-400-014
ZONING DISTRICT: RAA (Single Family, Low Density)

The applicant is requesting a variance from the following section of the Code of Ordinances:

- Section 86-378(e)(5)a, which states front yard setbacks shall be in accordance with the setback requirements of Section 86-367 for the type of street upon which the lot fronts. Hulett Road is classified as a Collector street which has a required setback of eighty-five feet from the street right-of-way.

The applicant is requesting a variance to construct a single family home that does not meet the setback from Hulett Road.

Keith Chapman, Assistant Planner, outlined the case for discussion. He addressed the communications submitted in the packet and stated 2 letters were in opposition of the variance and 8 letters were in favor of the variance.

Charles Maniaci, 2553 Sundance Lane, Okemos, the property owner and applicant outlined his request using the review criteria from (Section 86-221) of the Code of Ordinances:

- Review Criteria One: Several unique circumstances exist with the parcel. The classification of Hulett Road as a Collector Street and a setback of 85 foot from the center of the road as compared the setback of 25 feet for Loon Lane. The outbuildings on the parcel were nonconforming prior to the land division. The wetland setback also creates a unique circumstance.
- Review Criteria Two: The depth of the parcel and the wetland affected the land division creating special circumstances.
- Review Criteria Three: Various configurations for placement of the house were reviewed. None were practical due to the required front, side, and rear setbacks.
- Review Criteria Four: The variance is in keeping with the adjacent properties. Without the variance the cost of tearing down the existing structures is cost prohibitive.
- Review Criteria Five: Granting the variance was not contrary to the public interest as 8 neighbors support the request. There are other houses in the area that also do not meet the required setback. Hulett Road would not have been widened if there were traffic issues.

- Review Criteria Six: The proposed house is not out of character with houses in the vicinity and would not adversely affect adjacent lands or the wetland.
- Review Criteria Seven: The subject parcel is larger in size than the adjacent parcels. Granting the variance would not be a recurring issue for the Township.
- Review Criteria Eight: The house would not be out of character in comparison with the setback from Hulett Road for the other houses in the area.

Chair Beauchine opened public remarks.

Cathy Baird, 3720 Hulett Road, Okemos, spoke in opposition to the variance and referenced her letter dated March 8, 2017. She stated her concern dealt with the DEQ regulated wetland. New construction in the area has created run off water flowing into her property causing flooding issues. She spoke about the high volume of traffic and traffic accidents on Hulett Road, which has created a safety issue. She stated the dimensional measurements on the applicant's plans are not correct.

Chair Beauchine asked the applicant if he wanted to respond to the public comment.

Mr. Maniaci stated the dimensional measurements were provided by Great Lakes Geomatics and trusted the accuracy of the survey. He added he would revisit the plan if the measurements were incorrect. He added the existing structures which were nonconforming before the land division remain nonconforming after the land division. He stated no matter where the footprint of the house was placed, the issue is the setback from the center of Hulett Road.

Chair Beauchine closed public remarks.

Chair Beauchine stated some of the issues presented by both Mr. Maniaci and Ms. Baird have no bearing on the variance request presented to the Zoning Board of Appeals (ZBA) for this case. He stated the situation is self-created due to the land division, which left outbuildings on a lot without a principal structure.

Member Ohlogge commented the only factor the ZBA is to consider is the setback from Hulett Road.

Member Stivers stated she could not support the request based on review criteria five as it is not the minimum action necessary.

MEMBER STIVERS MOVED TO DENY THE VARIANCE REQUEST FROM SECTION 86-378(e)(5)a.

SECONDED BY CHAIR BEAUCHINE.

Member Lane agreed granting the variance is not the minimum action that will make it possible to use the land. He added comparing Loon Lane to Hulett Road does not create a unique circumstance.

Chair Beauchine stated the issue for the ZBA is the dimensional variance. He added there is a buildable area available on the property without the need for a variance.

ROLL CALL VOTE: YES: Members Stivers, Jackson, Lane, Ohlrogge and Chair Beauchine.
NO: None.
Motion carried unanimously.

G. OTHER BUSINESS

H. PUBLIC REMARKS

None.

I. BOARD MEMBER COMMENTS

None.

J. ADJOURNMENT

Chair Beauchine adjourned the meeting at 7:45 p.m.

K. POST SCRIPT – No Post Script

Respectfully Submitted,

Rebekah Lemley
Recording Secretary

RR

3685

3715

3720

Hulet Rd

3690

2730

2724

Loon Ln

2648

RAA

2718

2654

2800

2725

2712

2660

2719

2706

2711

2700

2688

