



AGENDA
CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS MEETING
July 24, 2019 6:30 pm

1. CALL MEETING TO ORDER*
2. APPROVAL OF THE AGENDA
3. CORRECTIONS, APPROVAL AND RATIFICATION OF MINUTES
 - A. Wednesday, June 26, 2019
4. COMMUNICATIONS
5. UNFINISHED BUSINESS
6. NEW BUSINESS

A. ZBA CASE NO. 19-06-26-1 (Carstensen), 2545 Bruin Drive, East Lansing, MI, 48823

LOCATION: 2545 Bruin Drive
PARCEL ID: 17-228-008
ZONING DISTRICT: RA (Single Family-Medium Density)

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(1), Nonconforming structures. Nonconforming single-family structures may be altered, expanded, or modernized without prior approval of the Zoning Board of Appeals; provided, that such structural alteration or extension shall not increase the extent of the nonconformity and shall satisfy all other applicable site development regulations.

The variance request is to expand a nonconforming single family structure by constructing a deck that would encroach into the required rear yard setback at 2545 Bruin Drive.

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

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: Township Manager Frank L. Walsh, 5151 Marsh Road, Okemos, MI 48864 or 517.853.4258 - Ten Day Notice is Required.
Meeting Location: 5151 Marsh Road, Okemos, MI 48864 Township Hall



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ZONING BOARD OF APPEALS MEETING
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10. ADJOURNMENT
11. POSTSCRIPT – Monique Field-Foster

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Meeting Location: 5151 Marsh Road, Okemos, MI 48864 Township Hall

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**CHARTER TOWNSHIP OF MERIDIAN
ZONING BOARD OF APPEALS REGULAR MEETING MINUTES *DRAFT*
5151 MARSH ROAD, OKEMOS, MI 48864-1198
(517) 853-4000
WEDNESDAY, JUNE 26, 2019 6:30 PM
TOWN HALL ROOM**

PRESENT: Chair Beauchine, Members Lane, Mansour, Field-Foster
ABSENT: Member Wisinski
STAFF: Director of Community Planning and Development Mark Kieselbach, Assistant
Planner Justin Quagliata

1. CALL MEETING TO ORDER

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

2. APPROVAL OF AGENDA

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

SECONDED BY MEMBER MANSOUR.

VOICE VOTE: Motion carried unanimously.

3. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

Wednesday, June 12, 2019.

MEMBER MANSOUR MOVED TO APPROVE THE MINUTES FROM WEDNESDAY, JUNE 12,
2019.

SECONDED BY MEMBER LANE.

VOICE VOTE: Motion carried unanimously.

4. COMMUNICATIONS

A. Dr. Nancy DeJoy RE: ZBA #19-06-26-1

5. UNFINISHED BUSINESS

A. ZBA CASE NO 19-06-12-1 (Miller), 5411 Marsh Road, Haslett, MI, 48840

LOCATION: 5411 Marsh Road
PARCEL ID: 15-251-001
ZONING DISTRICT: RA (Single Family-Medium Density)

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

- Section 86-754, which states, parking on nonpaved open space is prohibited. Parking in driveways is prohibited, except in one-family residential districts. In one-family residential districts, no motor vehicle parking space shall be provided in the front yard, except on a paved or gravel driveway that occupies no more than 35% of the total area of the front yard.

The variance request is to exceed the maximum front yard driveway coverage at 5411 Marsh Road.

Assistant Planner Quagliata outlined the case for discussion. He stated the garage door was moved off center to minimize the driveway expansion. He stated the garage was moved one foot back (west) and reduced four feet in length to eliminate the projection of the garage into the front yard.

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

Mr. Glenn Miller, the applicant, 5411 Marsh Road, Haslett, stated the garage had been moved and reduced in size to meet setbacks.

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

Chair Beauchine stated he appreciated the applicant moving the garage back and reducing the size.

Member Mansour stated during the Zoning Board of Appeal's (ZBA) previous discussion the driveway had not been an issue.

Member Lane 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. He stated there are other structures on the lot which reduced the area for where the garage could be placed. He noted the garage was in compliance with the setbacks and the variance for the driveway was needed for access.

Member Lane read review criteria two which states these special circumstances are not self-created. He stated the applicant had purchased the house with an existing pool. The circle driveway was necessary because the amount of traffic on Marsh Road.

Member Lane read review criteria three which states strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties. He stated without the expanded driveway the applicant would not have vehicle access to the garage which was being constructed in the only location possible on the property.

Member Lane 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. He stated without the variance the applicant could not provide vehicle access to the garage.

Member Lane read review 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. He stated the applicant had attempted to make the driveway as small as possible and the requested variance was the minimum necessary.

Member Lane 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. He stated no communications were received regarding the request.

Member Lane read review criteria seven which states 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. He stated the lot configuration was unique and an ordinance amendment was not required.

Member Lane read review criteria eight which states granting the variance will be generally consistent with public interest and the purposes and intent of this chapter. He stated the variance would allow for access to the conforming garage.

MEMBER LANE MOVED TO APPROVE THE VARIANCE REQUEST FROM SECTION 86-754 TO ALLOW FOR FRONT YARD DRIVEWAY COVERAGE AT 46 PERCENT.

SECONDED BY CHAIR BEAUCHINE.

ROLL CALL TO VOTE: YES: Member Lane, Chair Beauchine, Members Mansour, Field-Foster.
NO:
Motion carried unanimously.

6. NEW BUSINESS

A. ZBA CASE NO. 19-06-26-1 (Jager), 2545 Bruin Drive, East Lansing, MI, 48823

LOCATION:	2545 Bruin Drive
PARCEL ID:	17-228-008
ZONING DISTRICT:	RA (Single Family-Medium Density)

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

- Section 86-618(1), Nonconforming structures. Nonconforming single-family structures may be altered, expanded, or modernized without prior approval of the Zoning Board of Appeals; provided, that such structural alteration or extension shall not increase the extent of the nonconformity and shall satisfy all other applicable site development regulations

The variance request is to expand a nonconforming single family structure by constructing a deck that would encroach into the required rear yard setback at 2545 Bruin Drive.

Assistant Planner Quagliata outlined the case for discussion.

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

Clayton Carstensen, 10157 Bunker Hwy, Eaton Rapids, the applicant's representative, noted the variance was needed so the existing decks could be replaced with decks that met building code. He stated there would be no obstruction to the view of the common area.

Chair Beauchine read a communication received in opposition to the variance request from Nancy DeJoy, 2550 Kodiak Drive, East Lansing, 48823.

Member Field-Foster asked staff how the two existing decks would be turned into one deck.

Assistant Planner Quagliata stated the upper deck would be elevated approximately 14 feet with stairs coming down to a landing at the southwest corner of the lower deck.

Member Mansour asked staff if the upper deck was being enlarged.

Assistant Planner Quagliata responded the upper deck was being enlarged. The existing upper deck extends six feet out from the house and with the addition the deck would extend out 10 feet from the house to accommodate the staircase.

Chair Beauchine stated this neighborhood had a number of variance requests where houses were nonconforming. He noted the current homeowner should not be held responsible. He stated there have been other variance requests in the same neighborhood related to side yard and rear yard setbacks. He also believed there was a door from the house to the upper deck.

Chair Beauchine asked staff if the decks were constructed after the house was built.

Assistant Planner Quagliata stated the house was built in 1985 and the building permit stated the rear yard setback was 20 feet but the house was constructed at 16.3 feet. The existing decks were constructed without building permits after the house was built.

Chair Beauchine stated the current owner was not the original owner and the house and decks were existing and nonconforming.

Member Mansour noted the homeowner did not create the circumstances and were trying to construct decks that met building code and was safe. She stated the situation was not self created and granting the variance would allow new decks that would be built to code.

Member Field-Foster asked the applicant if the decks were being increased in size.

Mr. Carstensen stated the change from six feet to 10 feet in width on the upper deck was to accommodate the stairs and landing to the lower deck.

Member Mansour asked the applicant's representative if there was access to the house from the upper deck.

Mr. Carstensen stated there was a door from the second floor of the house to access the upper deck.

Assistant Planner Quagliata stated the proposed lower deck would be three feet at the closest point from the rear lot line and the existing lower deck was 5.5 feet at the closet point from the rear lot line. He noted an additional encroachment of 2.5 feet was proposed in addition to creating a deck with a larger area.

Member Field-Foster asked staff if the rear lot line was adjacent to Bear Lake.

Assistant Planner Quagliata stated the rear lot line abutted common area of the Bear Lake Subdivision.

Member Field-Foster asked the applicant's representative if the homeowners association had commented on the proposed decks.

Mr. Carstensen stated the applicant had presented information to the homeowners association but had not received any comments.

Chair Beauchine noted in RA zoning district the rear yard setback is 30 feet, but was reduced to 20 feet in the Bear Lake Subdivision. The house encroached into the 20 foot setback and was nonconforming. He stated with the proposed design and size of the decks review criteria five may not be met.

Member Field-Foster asked the applicant's representative if there was a way to make the decks smaller to keep it from encroaching into the rear yard setback.

Mr. Carstensen stated they had considered different design options but a different placement of the stairs would reduce useable deck space.

Chair Beauchine asked staff what the size was of the existing decks.

Assistant Planner Quagliata stated the existing lower deck was 12 feet by 27 feet in size (324 square feet) and the existing upper deck was six feet by 10.5 feet in size (63 square feet). The new lower deck would come out an additional 10 feet from the house bringing it six feet closer to the lot line at the west side and 2.5 feet closer to the rear lot line at the stairs to the rear yard. The new lower deck would be approximately 396 square feet in size. The new upper deck would be 10 feet by 17.75 feet (177.5 square feet) in size including the stairs and elevated approximately 14 feet.

Member Lane stated what was causing concern was connecting the upper deck to the lower deck and questioned if the connection was necessary.

Chair Beauchine 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. He stated because the house was nonconforming the applicant would need a variance to construct a deck in the rear yard.

Chair Beauchine read review criteria two which states these special circumstances are not self-created. He stated this criteria was met.

Chair Beauchine review criteria three which states strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties.

Member Mansour stated the applicant could use the decks as is and questioned if the variance was the minimum action necessary.

Member Field-Foster stated the house was nonconforming and if the applicant wanted to construct a new deck in the rear yard they would have to come to the ZBA for a variance. She noted due to the age of the existing decks they would need to be rebuilt at some time. She had concerns with the request being the minimum action and having the two decks connected.

Chair Beauchine stated he could meet review criteria three based on review criteria one and the house was nonconforming.

Chair Beauchine 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. He stated the criteria was met.

Chair Beauchine read review 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. He stated the request was not the minimum action necessary as the lower stairs could be relocated. He noted the criteria had not been met.

Chair Beauchine 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. He stated this was a planned subdivision with special criteria around it. He noted the deck would not affect adjacent land unless it went out into the common area so the criteria was met.

Chair Beauchine read review criteria seven which states 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. He stated this criteria was met.

Chair Beauchine read review criteria eight which states granting the variance will be generally consistent with public interest and the purposes and intent of this chapter. He stated he did not know if this criteria had been met.

Member Field-Foster suggested allowing the applicant to bring the request back to the ZBA at a future meeting with a new design because she could not meet review criteria five.

Chair Beauchine stated if the variance was denied the applicant could not come back to the ZBA for one year unless there were changes to the plan. He noted the applicant would have to reapply for a variance.

Member Mansour stated the lower deck being within three feet of the rear lot line to accommodate the stairs was challenging. She added she liked the design of the decks and did not think it would block anyone's view of the lake but the lower deck was too close to the rear lot line.

MEMBER FIELD-FOSTER MOVED TO DENY THE VARIANCE FROM SECTION 86-618(1) BASED ON THE REQUEST NOT MEETING REVIEW CRITERIA FIVE.

SECONDED BY MEMBER LANE.

ROLL CALL TO VOTE: YES: Members Field-Foster, Lane, Mansour, Chair Beauchine.
NO:
Motion carried unanimously.

7. OTHER BUSINESS

None.

8. PUBLIC REMARKS

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

9. BOARD MEMBER COMMENTS

None.

10. ADJOURNMENT

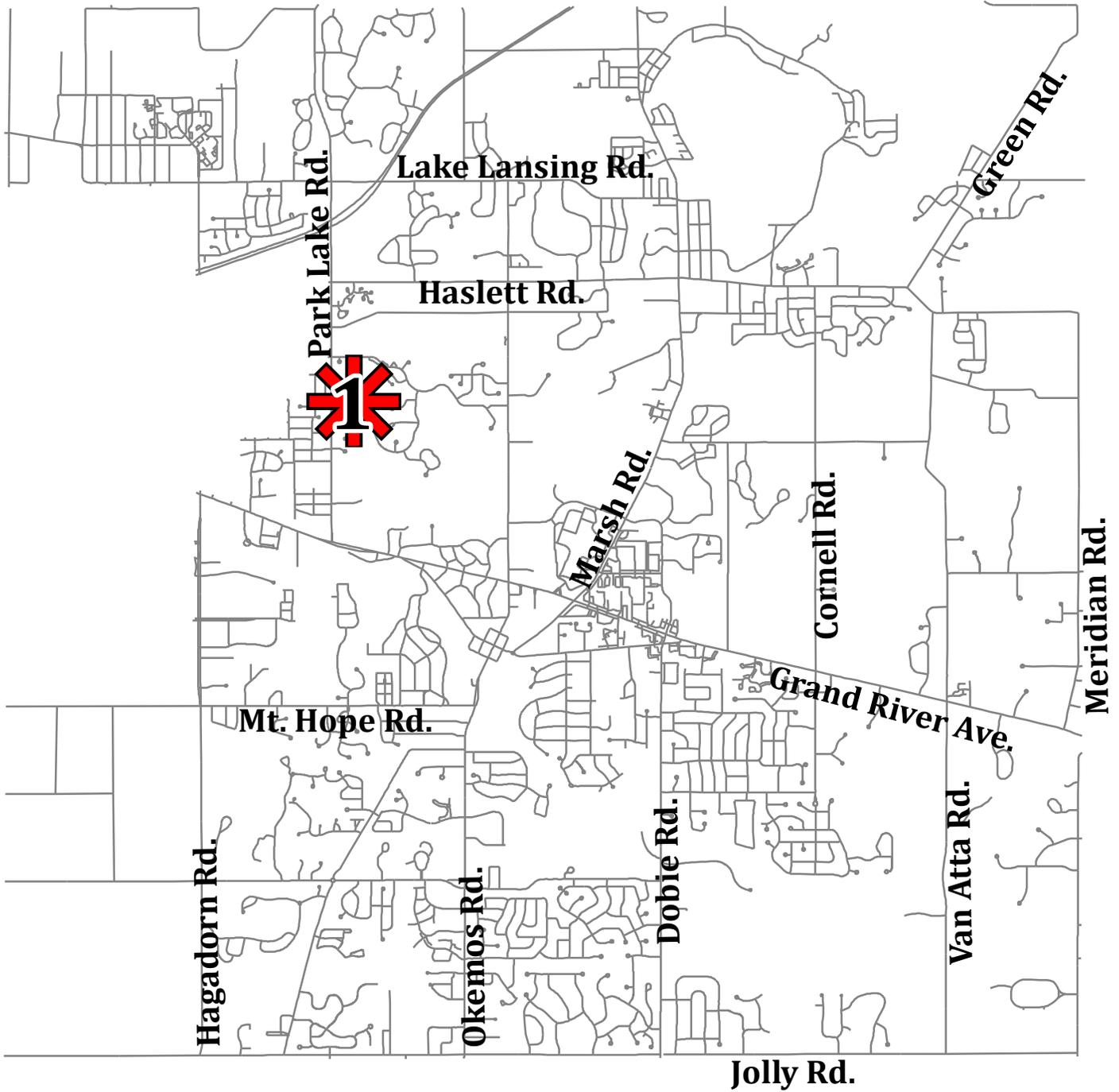
Meeting adjourned at 7:17 p.m.

11. POST SCRIPT

Chair Beauchine.

Respectfully Submitted,
Riley Millard
Recording Secretary

Meridian Township



Location Map

1. ZBA #19-06-26-1 (Carstensen)



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.



To: Zoning Board of Appeals
From: Justin Quagliata, Assistant Planner
Date: July 19, 2019
Re: ZBA Case No. 19-06-26-1 (Carstensen)

ZBA CASE NO.: 19-06-26-1 (Carstensen), 2545 Bruin Drive, East Lansing, MI 48823
LOCATION: 2545 Bruin Drive
PARCEL NO.: 17-228-008
ZONING DISTRICT: RA (Single Family-Medium Density)

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.

The previous request was to replace two existing decks on the west and south sides of a single family house and construct two decks with stairs connecting the upper and lower levels at 2545 Bruin Drive. With the new request the lower deck moved further from the rear lot line and was reduced in size. Approval from the ZBA is needed in order to rehear the case. 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(1), Nonconforming structures. Nonconforming single-family structures may be altered, expanded, or modernized without prior approval of the Zoning Board of Appeals; provided, that such structural alteration or extension shall not increase the extent of the nonconformity and shall satisfy all other applicable site development regulations.

With the prior request the upper deck was 122 square feet in size; including the stairs the upper deck was 178 square feet in size. The lower deck was 396 square feet in size. Stairs to the rear yard (32 square feet) were located at the southwest corner of lower deck, three feet from the rear lot line.

The proposal from the applicant has changed since the ZBA last considered the variance at its June 26 meeting. With the current request the upper deck would be approximately 122 square feet in size and located on the west side of the house in the side yard. Stairs approximately 56 square feet in size would connect the upper deck to a lower deck.

The lower deck would be approximately 356 square feet in size and located on the south side of the house in the rear yard. The proposed lower deck is approximately 40 square feet smaller than the previous request. Stairs (approximately 24 square feet in size) near the southwest corner of the lower deck would access the rear yard. The lower deck at its closest point would be located approximately eight feet from the rear lot line.

The following table summarizes the differences between the previous and current request:

	Previous (sq. ft.)	New (sq. ft.)	Change (sq. ft.)
Upper deck	122	122	0
Staircase (connection)	56	56	0
Lower deck	396	356	- 40
Staircase (rear yard)	32	24	-6

The existing decks did not receive building permits from the Township and are considered nonconforming because of setbacks. The existing house is nonconforming because it is located 16.3 feet from the rear lot line which does not comply with the required 20 foot minimum rear yard setback for the Bear Lake subdivision plat, which is part of the Wildwood Lakes planned unit development (PUD). The PUD ordinance allows the Township Board to waive the standard lot area and lot width requirements of the underlying zoning district.

For principal buildings the RA zoning district requires a 10 foot setback from side lot lines and a 30 or 40 foot setback from the rear lot line based on the depth of the lot. Front yard setbacks are in accordance with the required street setback, which is based on the type of street upon which the lot fronts. The following minimum building setbacks were established by the Township Board for the Bear Lake subdivision plat:

- Front yard: 15 feet from the front lot line (street right-of-way)
- Side yard: 20 feet between buildings
- Rear yard: 20 feet from the rear lot line

The applicant submitted two site plans, one showing the proposed decks with dimensions and one showing the proposed decks without dimensions. The dimensions labeled on the plan do not match the scaled drawing. For example, the lot survey shows the existing lower deck extending 12 feet out from the house. The submitted site plan with labeled dimensions shows the proposed lower deck extending 13 feet out from the house, one additional foot than the existing deck. The scaled drawing shows the proposed lower deck extending 11.5 feet out from the house. Other dimensions labeled on the plan do not scale. The dimensions given by the applicant were used for the deck sizes. The area calculations and setbacks stated in the staff report are approximations.

If the ZBA rehears the case and approves the request, staff recommends the following condition:

- A revised site plan drawn to an accurate scale shall be submitted at the time of the building permit for the decks.

The zoning ordinance allows decks to project eight feet into a required side or rear yard provided the structure is located at least eight feet at any point from a side or rear lot line. The proposed lower deck at its closest point would be located eight feet from the rear lot line. The applicant is requesting a variance to expand a nonconforming single family structure to construct the decks.

ZBA Case No. 19-06-26-1 (Carstensen)
Zoning Board of Appeals (July 24, 2019)
Page 3

Attachments

1. Variance application dated June 28, 2019 and received by the Township on June 28, 2019.
2. Letter from the applicant dated July 18, 2019 and received by the Township on July 18, 2019.
3. Lot survey dated May 17, 2019 and received by the Township on May 29, 2019.
4. Site plan (no dimensions) dated May 17, 2019 and received by the Township on July 18, 2019.
5. Site plan with dimensions dated May 17, 2019 and received by the Township on July 18, 2019.
6. Site plan denied on June 26, 2019.
7. Staff report from the June 26, 2019 ZBA meeting.
8. Minutes from the June 26, 2019 ZBA meeting.
9. Site location map.
10. Site photos taken by staff on April 26, 2019.

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

VARIANCE APPLICATION

- A. Applicant Clayton M Carstensen
Address of Applicant 20157 Bunker Hwy Eaton Rapids MI 48827
Telephone (Work) 517-222-3284 Telephone (Home) 517-202-3284
Fax _____ Email address: _____
Interest in property (circle one): Owner Tenant Option Other -designer
- B. Site address/location 2545 Bruin Drive East
Zoning district RA Parcel number 17-228-008
- 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) 202

- 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)

Clayton M Carstensen Clayton M Carstensen 6/28/2019
Signature of Applicant Print/Name Date

Fee: 150.⁰⁰ Received by/Date: Justin Quagliata 6/28/19

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.)**

Signature of Applicant(s) _____
Date

Signature of Applicant(s) _____
Date

Justin Quagliata

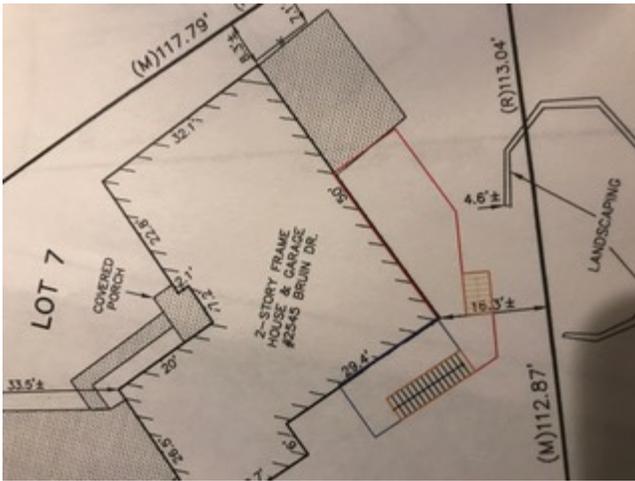
From: Kevin Jager <kevin.jager@icloud.com>
Sent: Thursday, July 18, 2019 10:27 AM
To: Justin Quagliata
Cc: Clay Carstensen; Craig Newman
Subject: 2545 Bruin Drive
Attachments: Bear Lake Homeowners Association Board Approval for Deck Plan.rtf.zip

Justin: Good morning. I spoke with Clay Carstensen yesterday and we discussed the backyard deck plans. We actually brainstormed and contemplated many different alternatives for the layout of the deck and what would be both functional, pleasing on both an architectural and aesthetical level, as well as (and most importantly) one that satisfies the Meridian Township Zoning Board Authority's request for an 8 foot setback from the property line in the backyard. The proposed deck plan considers this 8 foot setback and also places the stairs going to the backyard (from the deck) behind the 8 foot line and will run parallel with the property line. Unfortunately, as you already know, the south east corner of the house itself lies 16.3' from the property line, and the existing deck structure lies only 4' from the property line. As a result, making any type of addition or even modification to the current and existing deck layout has proven quite difficult.

As you may see, the new deck plan removes the southeast corner of the current deck (which was sitting only 4 feet from the southeast property line) and makes a diagonal, and parallel, run along the back property line that is now 8' from the property line. I feel this is a significant concession that I, as a homeowner, am making, considering this deck was part of the property when my wife and I purchased the home nearly 20 years ago, and we have enjoyed this space for 2 decades. It's shady, pleasant, and the view to the lake is unsurpassed. Now, with our proposed deck plan, that portion of the deck is going to be eliminated to comply with your request of an 8' setback distance from the property line.

Deciding where the position of the stairs leading from the deck to the backyard proved difficult. Clay and I carefully considered the Board's suggestion of placing the stairs closer to the walkout patio, with the stairs running perpendicular with the house. However, the proposed stairwell does not architecturally "line up" with the existing patio that is present off the walk-out basement and would require significant modifications to the already completed landscaping which poses a significant cost to the homeowner (me.) In fact, placing the stairwell in this position significantly reduces the square footage of the deck and, as mentioned, is architecturally incompatible with the landscaping that is already present. Furthermore, since modifications of the deck are being made in the southeast corner of the deck to comply with an 8' setback, even more square footage would be lost with this plan, making it unacceptable.

Below is the proposed CAD drawing that Clay expeditiously worked on last night. As you can see, the position of the stairs makes more sense in this location. As one is wading down these stairs, Bear Lake would be in full view, and the stairs are 8' away from the property line. Furthermore, there is no obstruction, or even partial obstruction, of the view to the lake by any neighbor in any direction. It is my feeling that this drawing represents a nice compromise and solves the conundrum of where to put the stairs leading to the backyard and patio area.



In summary, as of now, an existing 12 foot by 28 foot residential wood deck is in need of replacement. Relative to the residence lot survey, the existing structure falls within the setback area of the back lot line, and is 4' from the property line. Unfortunately, the southeast corner of the house itself sits 16.3' from the property line, which appears not to be compliant with the ZBA's standard of 20' setback from the rear property line. How such an oversight can occur is perplexing, and significantly limits any remodeling or renovations by the homeowner. However, because the Wildwood Lakes Planned Unit Development (PUD) allows for waiving the standard lot area and lot width requirements of the underlying zoning district, I have sought, and gained, the approval of the HOA President and his Board. Please see attached letter.

With the existing 12' deck sitting only 4' from the property line, we have made revisions to our deck plan to comply with an 8' setback, conceding 4' of space that has been used by my family for the past 19 years. Additionally, common area is located to the east and to the south of the residence lot boundaries, which does not directly affect neighbors on either side of the residence lot boundaries, nor does it obstruct, limit, or alter any view of the lake or the wildlife area by any neighbor in any direction.

2. When my wife and I purchased the residence and property in 2000, a wood deck structure was already present which apparently Meridian Township has no record of. This existing deck's southeast corner lies within the setback zone of the the lot, and is measured at only 4' from the rear property line. In order to be fully compliant with Meridian Township's Zoning Board Authority, a variance request is required, not only for the existing structure but for any additions or modifications to the existing structure. Because of the already existent infraction into the setback zone, our deck plan has recognized this and has made alterations (and really, concessions) to be compliant with an 8' setback per ZBA request.

3. Renovation or re-building of the existing structure is necessary due to some structural deterioration, namely the headboard that anchors the deck to the residence, as well as support posts and joists that have lost their support. Furthermore, the functionality of the deck could be improved to better utilize the walkout patio and privacy deck that already exist by connecting the three structures with stairs. The privacy deck is a 6' X 16" wood deck that is only accessible from within the house, and cannot be accessed from the outdoors. The current CAD drawing shows a stairwell that connects the privacy deck to a modestly expanded deck that in turn communicates with the backyard and patio off the lower level by stairs that originate off the southeast corner of the deck, all keeping at least 8' from the property line. Ultimately, the plan optimizes the deck for its intended purpose - to enjoy the property and the surrounding nature areas that the neighborhood has to offer. The current lot, as surveyed by Kebs in May 2019, shows the residence and its placement within the lot as being quite impractical if not altogether impossible to make any type of renovation or remodeling of existing deck structures without a variance request and subsequent approval by the Board.

4. By not allowing a variance for the proposed deck renovation and remodel, practical and “normal usage” of the deck structure would therefore be in violation of the township zoning regulations and would directly impact the utilization of not only the existing structure, but any future structures as well. A variance would be essential to allowing normal and ordinary upgrades, modernization, and improvements with the deck structures. Furthermore, certain improvements need to be made (see above) to the deck in order to maintain its structural integrity. This has many ramifications on the value of the lot and resale value of the home.

5. By granting the variance, this would be the only limitation or barrier that is currently impeding and preventing the landscape remodeling project from continuing to its completion. This variance has essentially no direct impact on neighbors to the south and to the east of the residence and lot in question, as the other side of the lot boundary is common area that is not owned by neighbors who feasibly could or would be impacted by the variance request. Additionally, this variance request has NO IMPACT on the “sight lines” of any neighbor and their view of the lake and / or wildlife area. There is no obstruction, partial obstruction, or alteration of any existing views of the common areas including the lake. There essentially is no consequence on any neighbor in any direction by the plans we are proposing. As mentioned above, Clay and I have gone through many, many, many renditions and revisions of the deck plans, in effort to be compliant with the Township’s request of an 8’ setback from the property line. I, as homeowner, feel I have made several concessions and compromises in order to fully satisfy the Board, and have certainly taken the necessary means and measures to be compliant. I must say, it is hard not to feel “penalized” by having to reduced to corner of the southeast corner of the deck by 4’ in order to have an 8’ setback, considering my family has enjoyed this space for about 2 decades. I really feel we are making significant compromises and doing our best to make a current “nonconforming structure” a conforming structure that satisfies Meridian Townships requirements for an 8 foot setback.

6. As mentioned in response #5, granting of the variance has no direct on the neighboring lots since the areas opposite the lot borders is common area, not owned by any one individual but rather the Bear Lake Homeowners Association. The essential character in the vicinity of the property has been, and will be, preserved. And, as mentioned, the common areas, with the inherent sights and sounds of the habitat, will all be preserved and kept in their original form. By having an 8’ setback, as the ZBA is proposing, ENSURES the neighboring lots and common areas will be preserved.

7. The conditions pertaining to the land and / or the structure are not so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable: Still not exactly sure what this means, but as explained exhaustively above, our revised deck plans call for an 8 foot setback on the rear lot line with no structure, stairs included, intruding beyond that point.

8. By granting the variance, this would be in keeping with other variances that have been approved in this neighborhood in the past, due to impractical lot lines relative to the house or attached structures, or merely for landscape / beautification projects financed by the homeowner.

Also, please let this serve as written statement of my landscape contractor Clay Carstensen to serve as my proxy, my representative, and my voice should I not be able to attend the upcoming meeting with Meridian Township Board.

Thank you,

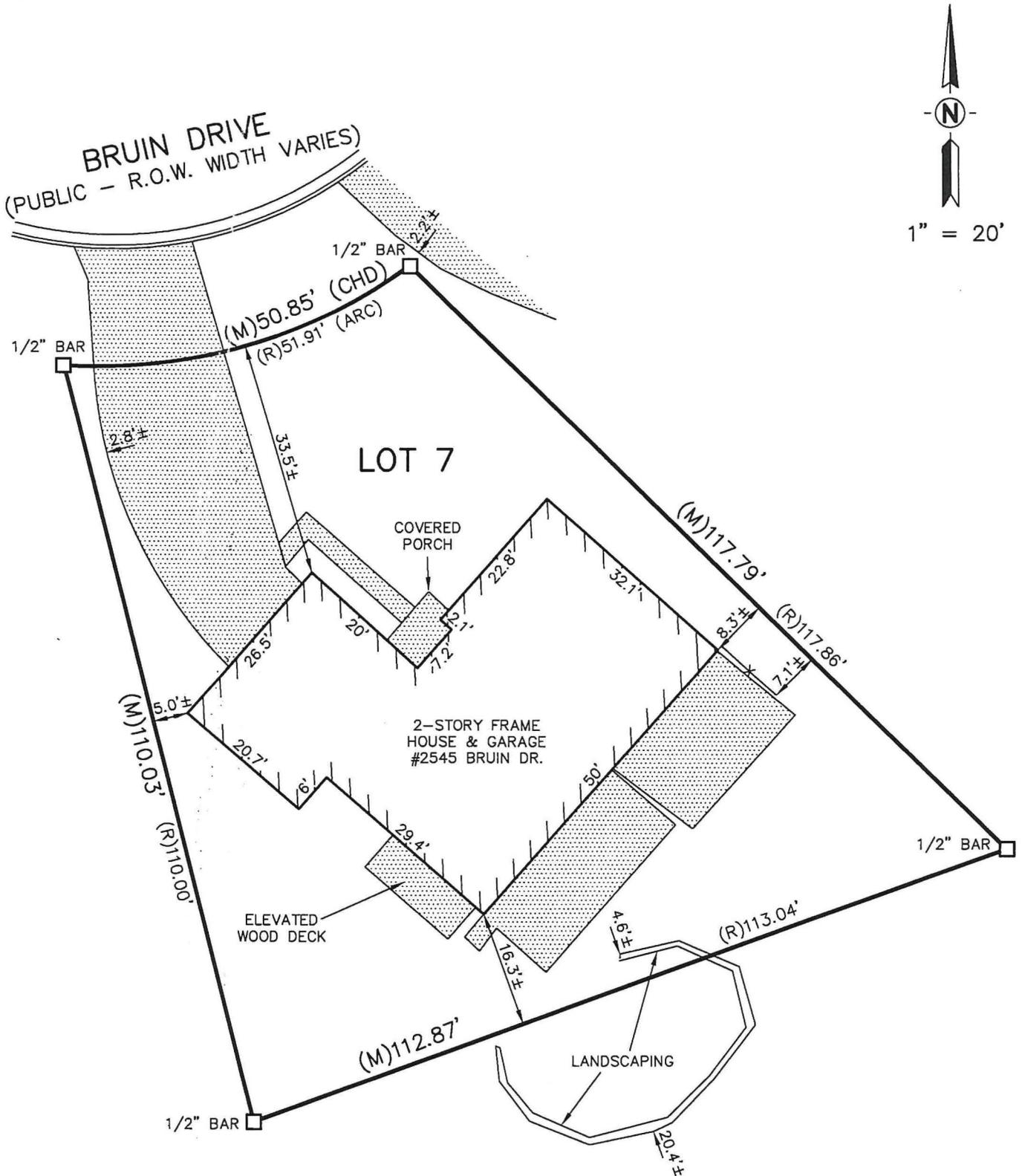
Kevin and Suzie Jager, homeowners,
2545 Bruin Drive

LOT SURVEY

For:
 R & D Landscape
 194 S. Michigan Road
 Eaton Rapids, MI 48827

Survey Address:
 2545 Bruin Drive
 East Lansing, MI
 ID: 33-02-02-17-228-008

Legal Description (as provided): Lot 7, Bear Lake Subdivision No. 1, Meridian Township, Ingham County, Michigan, according to the recorded plat thereof, as recorded in Liber 38 of Plats, Page 31, Ingham County Records.



NOTES:
 1. EASEMENTS, IF ANY, NOT SHOWN

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- = Set 1/2" Bar with Cap
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- 0.0'± = Denotes Distance to the Survey Line

E. R. Friestrom
 ERICK R. FRIESTROM
 PROFESSIONAL SURVEYOR
 DATE 05/17/19
 NO. 53497



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

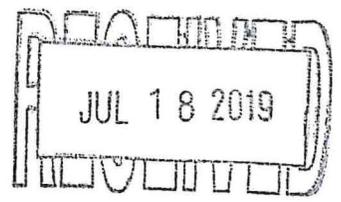
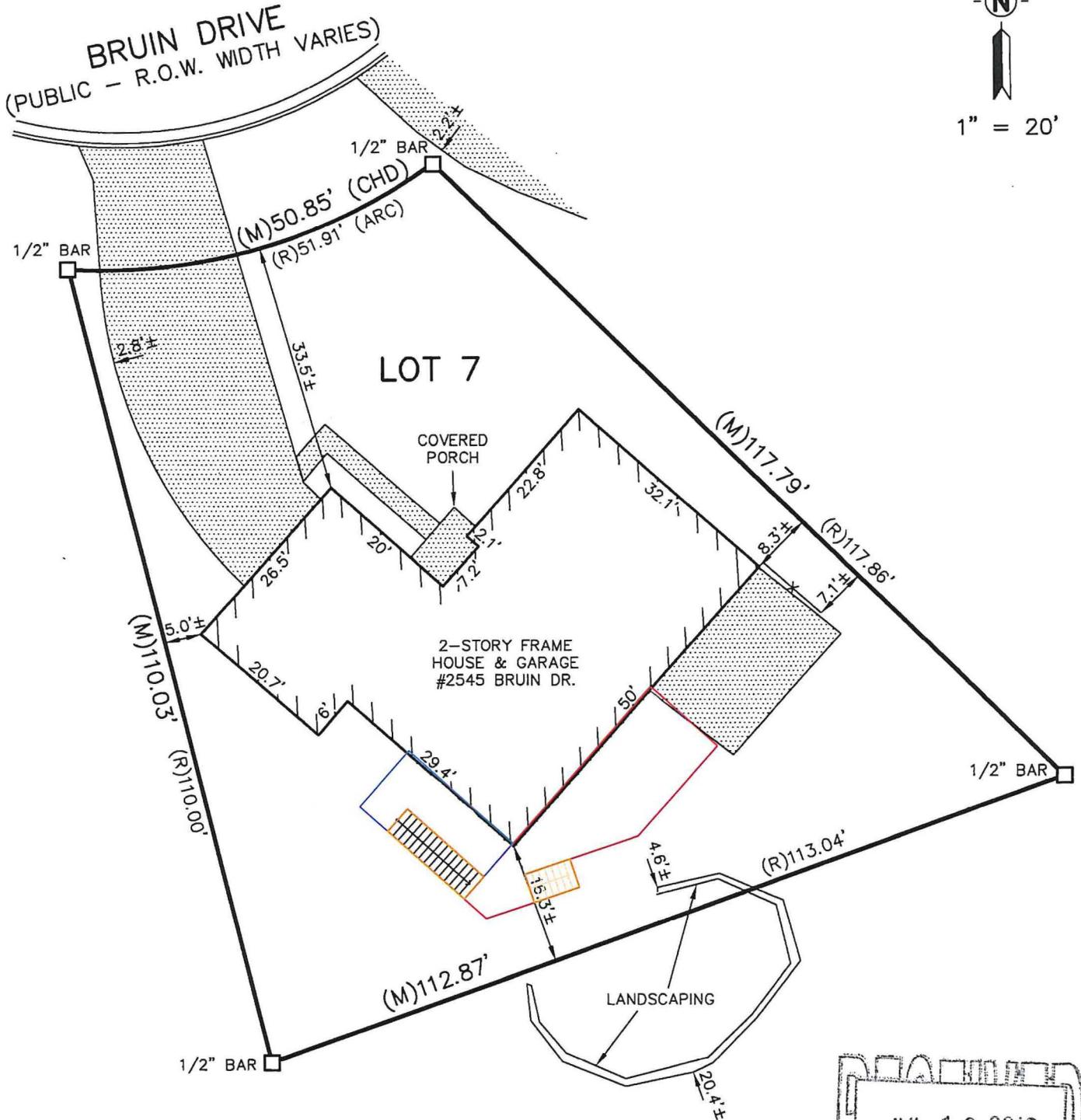
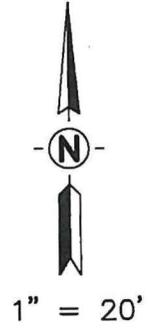
DRAWN BY SSF	SECTION 17, T4N, R1W
FIELD WORK BY SW	JOB NUMBER:
SHEET 1 OF 1	95148.LOT

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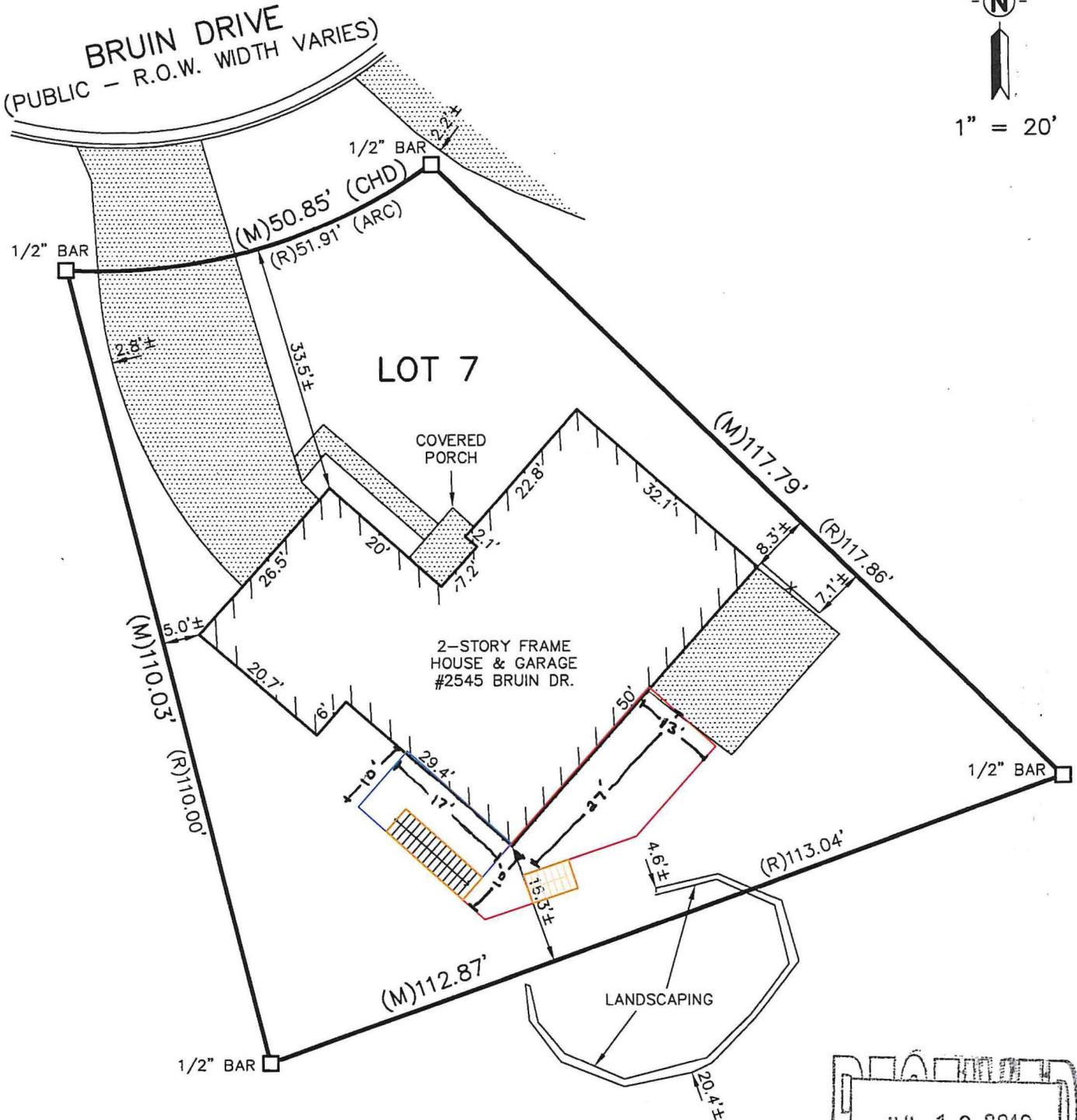
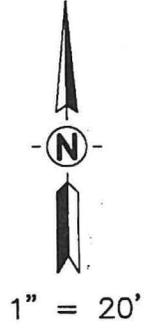
	KEBS, INC.	KYES ENGINEERING BRYAN LAND SURVEYS
	2116 HASLETT ROAD, HASLETT, MI 48840 PH. 517-339-1014 FAX. 517-339-8047 13432 PRESTON DRIVE, MARSHALL, MI 49068 PH. 269-781-9800 FAX. 269-781-9805	
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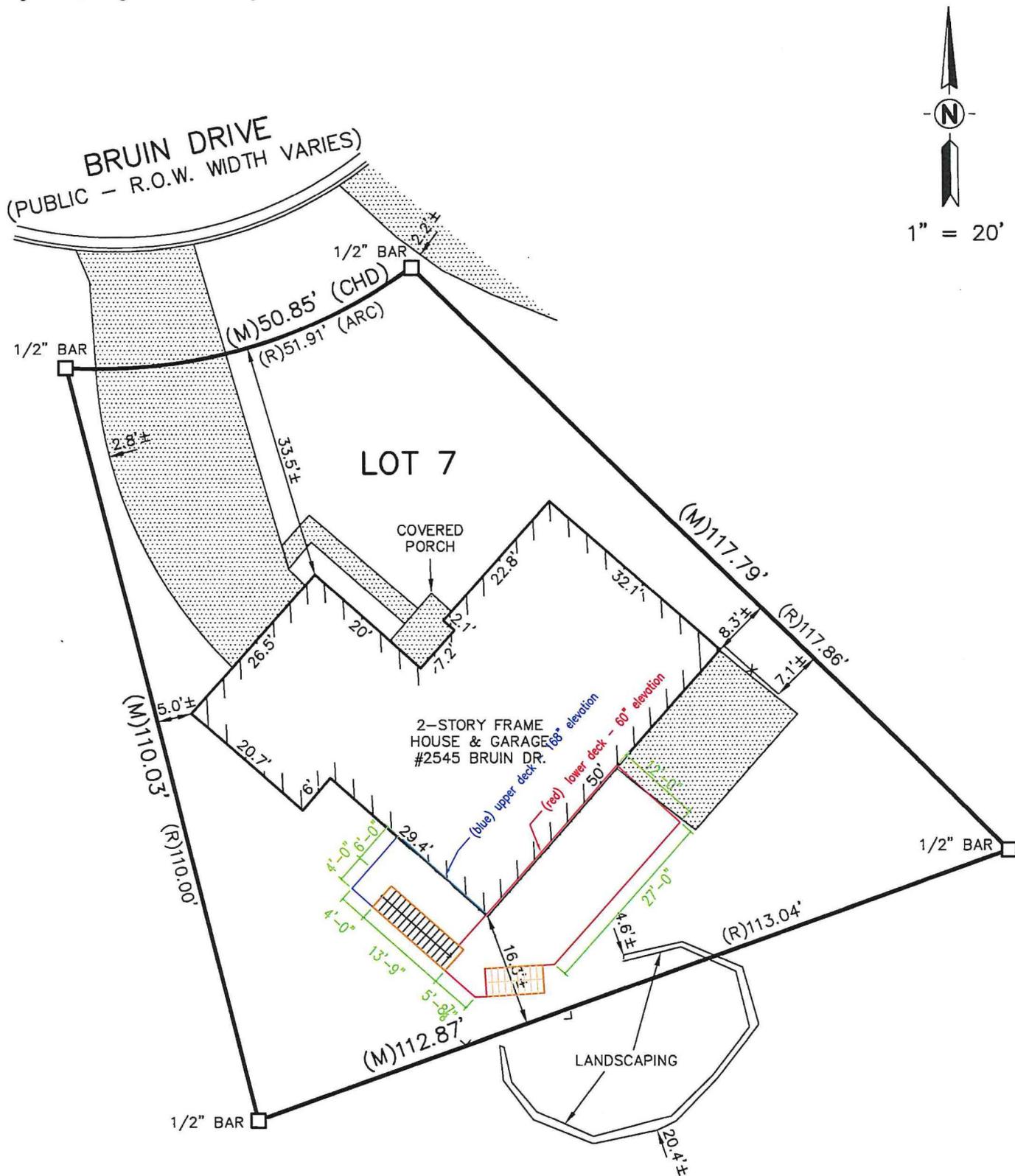
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Erick R. Friestrom
 ERICK R. FRIESTROM
 PROFESSIONAL SURVEYOR NO. 53497

05/17/19
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To: Zoning Board of Appeals
From: Justin Quagliata, Assistant Planner
Date: June 21, 2019
Re: ZBA Case No. 19-06-26-1 (Jager)

ZBA CASE NO.: 19-06-26-1 (Jager), 2545 Bruin Drive, East Lansing, MI 48823
LOCATION: 2545 Bruin Drive
PARCEL NO.: 17-228-008
ZONING DISTRICT: RA (Single Family-Medium Density)

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

- Section 86-618(1), Nonconforming structures. Nonconforming single-family structures may be altered, expanded, or modernized without prior approval of the Zoning Board of Appeals; provided, that such structural alteration or extension shall not increase the extent of the nonconformity and shall satisfy all other applicable site development regulations.

Kevin and Suzanne Jager, the applicants, intend to replace existing decks on the west and south sides of a single family house at 2545 Bruin Drive. The 0.22 acre (9,408.96 square feet) subject property is zoned RA (Single Family-Medium Density) and located on the south side of Bruin Drive, east of West Hidden Lake Drive.

The existing house is nonconforming because it is located 16.3 feet from the rear lot line which does not comply with the required 20 foot minimum rear yard setback for the Bear Lake subdivision plat, which is part of the Wildwood Lakes planned unit development (PUD). The PUD ordinance allows the Township Board to waive the standard lot area and lot width requirements of the underlying zoning district.

For principal buildings the RA zoning district requires a 10 foot setback from side lot lines and a 30 or 40 foot setback from the rear lot line based on the depth of the lot. Front yard setbacks are in accordance with the required street setback, which is based on the type of street upon which the lot fronts. The following minimum building setbacks were established by the Township Board for the Bear Lake subdivision plat:

- Front yard: 15 feet from the front lot line (street right-of-way)
- Side yard: 20 feet between buildings
- Rear yard: 20 feet from the rear lot line

ZBA Case No. 19-06-26-1 (Jager)
Zoning Board of Appeals (June 26, 2019)
Page 2

Two existing decks are currently attached to the house. An elevated wood deck, 6 feet by 10.5 feet (63 square feet) in size, is located in the side yard on the west side of the house. A 12 foot by 27 foot (324 square feet) wood deck is located in the rear yard on the south side of the house approximately 5.5 feet from the rear lot line. Stairs are located on the west side of the deck in the rear yard. The existing decks did not receive building permits from the Township and are considered nonconforming because of setbacks.

The proposed project would involve the removal of the two existing decks and the construction of one deck with connected upper and lower levels. The upper level would be 10 feet by 17.75 feet (177.5 square feet) in size including the stairs, elevated approximately 14 feet, and located on the west side of the house. The lower level deck would be approximately 396 square feet in size and located on the south side of the house in the same location as the current deck with an additional expansion to the west. Stairs on the west side of the deck would connect the upper and lower levels, and stairs at the southwest corner of the deck would provide access to the rear yard.

The zoning ordinance allows decks to project eight feet into a required side or rear yard provided the structure is located at least eight feet at any point from a side or rear lot line. The proposed deck at its closest point (stairs) would be located three feet from the rear lot line. The applicants are requesting a variance to expand a nonconforming single family structure to construct the deck.

Attachments

1. Variance application dated May 28, 2019 and received by the Township on May 29, 2019.
2. Letter from the applicant dated June 18, 2019 and received by the Township on June 18, 2019.
3. Lot survey dated May 17, 2019 and received by the Township on May 29, 2019.
4. Site plan dated May 17, 2019 and received by the Township on May 29, 2019.
5. Site location map.

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Member Lane read review 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. He stated the applicant had attempted to make the driveway as small as possible and the requested variance was the minimum necessary.

Member Lane 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. He stated no communications were received regarding the request.

Member Lane read review criteria seven which states 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. He stated the lot configuration was unique and an ordinance amendment was not required.

Member Lane read review criteria eight which states granting the variance will be generally consistent with public interest and the purposes and intent of this chapter. He stated the variance would allow for access to the conforming garage.

MEMBER LANE MOVED TO APPROVE THE VARIANCE REQUEST FROM SECTION 86-754 TO ALLOW FOR FRONT YARD DRIVEWAY COVERAGE AT 46 PERCENT.

SECONDED BY CHAIR BEAUCHINE.

ROLL CALL TO VOTE: YES: Member Lane, Chair Beauchine, Members Mansour, Field-Foster.
NO:
Motion carried unanimously.



6. NEW BUSINESS

A. ZBA CASE NO. 19-06-26-1 (Jager), 2545 Bruin Drive, East Lansing, MI, 48823

LOCATION: 2545 Bruin Drive
PARCEL ID: 17-228-008
ZONING DISTRICT: RA (Single Family-Medium Density)

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

- Section 86-618(1), Nonconforming structures. Nonconforming single-family structures may be altered, expanded, or modernized without prior approval of the Zoning Board of Appeals; provided, that such structural alteration or extension shall not increase the extent of the nonconformity and shall satisfy all other applicable site development regulations

The variance request is to expand a nonconforming single family structure by constructing a deck that would encroach into the required rear yard setback at 2545 Bruin Drive.

Assistant Planner Quagliata outlined the case for discussion.

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

Clayton Carstensen, 10157 Bunker Hwy, Eaton Rapids, the applicant's representative, noted the variance was needed so the existing decks could be replaced with decks that met building code. He stated there would be no obstruction to the view of the common area.

Chair Beauchine read a communication received in opposition to the variance request from Nancy DeJoy, 2550 Kodiak Drive, East Lansing, 48823.

Member Field-Foster asked staff how the two existing decks would be turned into one deck.

Assistant Planner Quagliata stated the upper deck would be elevated approximately 14 feet with stairs coming down to a landing at the southwest corner of the lower deck.

Member Mansour asked staff if the upper deck was being enlarged.

Assistant Planner Quagliata responded the upper deck was being enlarged. The existing upper deck extends six feet out from the house and with the addition the deck would extend out 10 feet from the house to accommodate the staircase.

Chair Beauchine stated this neighborhood had a number of variance requests where houses were nonconforming. He noted the current homeowner should not be held responsible. He stated there have been other variance requests in the same neighborhood related to side yard and rear yard setbacks. He also believed there was a door from the house to the upper deck.

Chair Beauchine asked staff if the decks were constructed after the house was built.

Assistant Planner Quagliata stated the house was built in 1985 and the building permit stated the rear yard setback was 20 feet but the house was constructed at 16.3 feet. The existing decks were constructed without building permits after the house was built.

Chair Beauchine stated the current owner was not the original owner and the house and decks were existing and nonconforming.

Member Mansour noted the homeowner did not create the circumstances and were trying to construct decks that met building code and was safe. She stated the situation was not self created and granting the variance would allow new decks that would be built to code.

Member Field-Foster asked the applicant if the decks were being increased in size.

Mr. Carstensen stated the change from six feet to 10 feet in width on the upper deck was to accommodate the stairs and landing to the lower deck.

Member Mansour asked the applicant's representative if there was access to the house from the upper deck.

Mr. Carstensen stated there was a door from the second floor of the house to access the upper deck.

Assistant Planner Quagliata stated the proposed lower deck would be three feet at the closest point from the rear lot line and the existing lower deck was 5.5 feet at the closet point from the rear lot line. He noted an additional encroachment of 2.5 feet was proposed in addition to creating a deck with a larger area.

Member Field-Foster asked staff if the rear lot line was adjacent to Bear Lake.

Assistant Planner Quagliata stated the rear lot line abutted common area of the Bear Lake Subdivision.

Member Field-Foster asked the applicant's representative if the homeowners association had commented on the proposed decks.

Mr. Carstensen stated the applicant had presented information to the homeowners association but had not received any comments.

Chair Beauchine noted in RA zoning district the rear yard setback is 30 feet, but was reduced to 20 feet in the Bear Lake Subdivision. The house encroached into the 20 foot setback and was nonconforming. He stated with the proposed design and size of the decks review criteria five may not be met.

Member Field-Foster asked the applicant's representative if there was a way to make the decks smaller to keep it from encroaching into the rear yard setback.

Mr. Carstensen stated they had considered different design options but a different placement of the stairs would reduce useable deck space.

Chair Beauchine asked staff what the size was of the existing decks.

Assistant Planner Quagliata stated the existing lower deck was 12 feet by 27 feet in size (324 square feet) and the existing upper deck was six feet by 10.5 feet in size (63 square feet). The new lower deck would come out an additional 10 feet from the house bringing it six feet closer to the lot line at the west side and 2.5 feet closer to the rear lot line at the stairs to the rear yard. The new lower deck would be approximately 396 square feet in size. The new upper deck would be 10 feet by 17.75 feet (177.5 square feet) in size including the stairs and elevated approximately 14 feet.

Member Lane stated what was causing concern was connecting the upper deck to the lower deck and questioned if the connection was necessary.

Chair Beauchine 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. He stated because the house was nonconforming the applicant would need a variance to construct a deck in the rear yard.

Chair Beauchine read review criteria two which states these special circumstances are not self-created. He stated this criteria was met.

Chair Beauchine review criteria three which states strict interpretation and enforcement of the literal terms and provisions of this chapter would result in practical difficulties.

Member Mansour stated the applicant could use the decks as is and questioned if the variance was the minimum action necessary.

Member Field-Foster stated the house was nonconforming and if the applicant wanted to construct a new deck in the rear yard they would have to come to the ZBA for a variance. She noted due to the age of the existing decks they would need to be rebuilt at some time. She had concerns with the request being the minimum action and having the two decks connected.

Chair Beauchine stated he could meet review criteria three based on review criteria one and the house was nonconforming.

Chair Beauchine 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. He stated the criteria was met.

Chair Beauchine read review 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. He stated the request was not the minimum action necessary as the lower stairs could be relocated. He noted the criteria had not been met.

Chair Beauchine 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. He stated this was a planned subdivision with special criteria around it. He noted the deck would not affect adjacent land unless it went out into the common area so the criteria was met.

Chair Beauchine read review criteria seven which states 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. He stated this criteria was met.

Chair Beauchine read review criteria eight which states granting the variance will be generally consistent with public interest and the purposes and intent of this chapter. He stated he did not know if this criteria had been met.

Member Field-Foster suggested allowing the applicant to bring the request back to the ZBA at a future meeting with a new design because she could not meet review criteria five.

Chair Beauchine stated if the variance was denied the applicant could not come back to the ZBA for one year unless there were changes to the plan. He noted the applicant would have to reapply for a variance.

Member Mansour stated the lower deck being within three feet of the rear lot line to accommodate the stairs was challenging. She added she liked the design of the decks and did not think it would block anyone's view of the lake but the lower deck was too close to the rear lot line.

MEMBER FIELD-FOSTER MOVED TO DENY THE VARIANCE FROM SECTION 86-618(1) BASED ON THE REQUEST NOT MEETING REVIEW CRITERIA FIVE.

SECONDED BY MEMBER LANE.

ROLL CALL TO VOTE: YES: Members Field-Foster, Lane, Mansour, Chair Beauchine.
NO:
Motion carried unanimously.

7. OTHER BUSINESS

None.

8. PUBLIC REMARKS

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

9. BOARD MEMBER COMMENTS

None.

10. ADJOURNMENT

Meeting adjourned at 7:17 p.m.

11. POST SCRIPT

Chair Beauchine.

Respectfully Submitted,
Riley Millard
Recording Secretary













