

CHARTER TOWNSHIP OF MERIDIAN  
ZONING BOARD OF APPEALS MEETING AGENDA  
5151 MARSH ROAD, OKEMOS, MI 48864-1198  
(517) 853-4000  
WEDNESDAY, SEPTEMBER 9, 2015 6:30 PM  
TOWN HALL ROOM

A. CALL MEETING TO ORDER

B. APPROVAL OF AGENDA

C. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

- o Wednesday August 26, 2015

D. UNFINISHED BUSINESS

E. NEW BUSINESS

1. ZBA CASE NO. 15-09-09-1, MARIO & EMILY DIONISE, 180 WIND-N-WOOD DRIVE, OKEMOS, MI 48864

|                  |                        |
|------------------|------------------------|
| DESCRIPTION:     | 180 Wind-N-Wood Drive  |
| TAX PARCEL:      | 36-426-002             |
| ZONING DISTRICT: | RR (Rural Residential) |

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

- Section 86-470 which states in no case shall any dwelling unit be located closer than 175 feet from a railroad right-of-way.

The applicant is requesting a variance to enclose an existing deck on the rear of the dwelling at 180 Wind-N-Wood Drive, Okemos.

☞ 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.

F. OTHER BUSINESS

G. PUBLIC REMARKS

H. BOARD MEMBER COMMENTS

I. ADJOURNMENT

J. POST SCRIPT - KENNETH LANE

Information regarding the request may be examined at the Department of Community Planning and Development, 5151 Marsh Road, Okemos, Michigan 48864-1198, between the hours of 8:00 am and 5:00 pm, Monday through Friday. Comments may be made in writing addressed to the Zoning Board of Appeals at 5151 Marsh Road, Okemos, MI 48864 or may be made at the hearing.

BRET DREYFUS  
TOWNSHIP CLERK

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## ZONING BOARD OF APPEALS PUBLIC HEARING PROCEDURE

Persons wishing to address the topic of a scheduled public hearing are encouraged to present their remarks during the public hearing portion of the Zoning Board of Appeals meeting. **If you do intend to speak before the Zoning Board of Appeals please sign in at the door.** During a public hearing, the following order shall be used:

1. Township Staff Review
2. Comments by the applicant or applicant's designee(s)
3. Comments by other persons
4. Applicant rebuttal
5. ZBA members discuss the case. If necessary, the applicant may be asked to respond to questions from the ZBA members
6. Action by the ZBA

Persons wishing to appeal a decision of the Zoning Board of Appeals shall do so in accordance with Michigan Court Rules of Appeals to Circuit Court MCR 7.101.

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**CHARTER TOWNSHIP OF MERIDIAN  
ZONING BOARD OF APPEALS MEETING MINUTES \*\*\*DRAFT\*\*\*  
5151 MARSH ROAD, OKEMOS MI 48864-1198  
517.853.4000  
WEDNESDAY, August 26, 2015**

PRESENT: Members Hershiser, Jackson, LeGoff, Ohlrogge, Chair Beauchine  
ABSENT: None  
STAFF: Rick Brown, Associate Planner  
Martha Wyatt, Associate Planner/Landscape Architect

**A. CALL MEETING TO ORDER**

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

**B. APPROVAL OF AGENDA**

MEMBER HERSHISER MOVED TO APPROVE THE AGENDA AS WRITTEN  
SECONDED BY MEMBER OHLROGGE  
VOICE VOTE: Motion carried unanimously.

**C. CORRECTIONS, APPROVAL, & RATIFICATION OF MINUTES**

Wednesday, August 12, 2015

MEMBER HERSHISER MOVED TO APPROVE THE MINUTES AS WRITTEN  
SECONDED BY MEMBER LEGOFF  
VOICE VOTE: Motion carried unanimously.

**D. UNFINISHED BUSINESS**

MEMBER HERSHISER MOVED TO REMOVE ZBA CASE NO. 15-08-12-2 FROM THE  
TABLE AND PUT IT ONTO NEW BUSINESS  
SECONDED BY MEMBER OHLROGGE  
VOICE VOTE: Motion carried unanimously.

**E. NEW BUSINESS**

**1. ZBA CASE NO. 15-08-12-2, MICHAEL STOCUM, 5587 OKEMOS ROAD, EAST  
LANSING, MI 48823**

|                  |                                 |
|------------------|---------------------------------|
| DESCRIPTION:     | 5587 Okemos Road                |
| TAX PARCEL:      | 09-451-016                      |
| ZONING DISTRICT: | RAA (Single Family-Low Density) |

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

- Section 86-367 which states the required setback from a minor arterial shall be 100 feet from the center of the right of way.
- Section 86-565(1) which states no accessory building shall project into any front yard.

The applicant is requesting variances to allow two accessory structures to be located in the front yard at 5587 Okemos Road.

Mr. Brown outlined the case for discussion.

Michael Stocum, 5587 Okemos Road, Okemos, applicant, stressed concern over the wood pile on his rear deck attracting termites into the home. He proposed a wood shed be constructed at the front yard with a carport style roof and screened lattice to allow airflow and eliminate termite issues. He reasoned the front of the property was the only location for a wood shed since the rear property has a drain, creating a moisture-rich environment where termites would flourish. He also proposed a 32'x14'x10' accessory building be built in the front yard.

Dan Blakey, 5571 Okemos Road, Okemos, described the applicant's property as a mound with each side sloping down to the property line. He is not opposed to the design of the storage building so long as it is large enough for all the equipment to be stored inside.

Barb Matheson, 5577 Okemos Road, Okemos, indicated she had a survey which showed Mr. Stocum's equipment and part of his driveway were encroaching on her property. She voiced concern the proposed accessory buildings would detract from the value of the property.

Janice Lawton, 5597 Okemos Road, Okemos, stated she had concerns with the resulting aesthetics and devaluation of the property.

Mr. Stocum said he cleared the overgrowth at the front of the property in preparation for the proposed sidewalk. He explained the wood shed (accessory building) would be fully enclosed and professionally constructed.

Member Hershiser pointed out when firewood is burned regularly and not stored long-term, termites should not be a problem and a wood shed would not be necessary. He also echoed concern the accessory buildings would detract from and adversely affect area property values.

Member Ohlrogge noted the close proximity between the road and the proposed accessory buildings could be a problem with aesthetics and said Ms. Lawton's view would be impeded by the accessory buildings.

Member LeGoff stated having accessory buildings in the front yard is not a common practice.

Chair Beauchine explained variances stay with the property. The Zoning Board of Appeals (ZBA) takes a narrow look at the zoning ordinances to decide if variance requests would violate the ordinances. There are eight review criteria the ZBA considers before granting a variance. If any of the eight criteria are not met, the ZBA is not allowed to grant the variance. He concluded the proposed accessory buildings would be violating township ordinances.

MEMBER HERSHISER MOVED TO DENY THE VARIANCES AS REQUESTED.

SECONDED BY MEMBER LEGOFF.

Member Hershiser stated under review criteria number six granting the variance would adversely affect adjacent land and the essential character of the vicinity.

Member Ohlrogge outlined the review criteria (Section 86-221) to be considered for approval of the variance. The circumstances are self-created and not unique. Denying the variance would not result in practical difficulty. Denying the variance would not prevent the owner from using the property for its permitted purpose. It is not the minimum action to make use of the structure as there are alternative solutions. It would be contrary to the public interest and would adversely affect adjacent properties to allow accessory buildings in the front yard of the property deterring from the aesthetics for both current and future neighbors. The spirit of the zoning ordinance is to protect public safety.

ROLL CALL VOTE: YES: Member Hershiser, Jackson, LeGoff, Ohlrogge, Chair Beauchine  
NO: None.  
Motion carried 5-0.

**2. ZBA CASE NO. 15-08-26-1, DR. JEFF LONIER, 601 GRAND RIVER AVENUE, OKEMOS, MI 48864**

DESCRIPTION: 601 Grand River Avenue  
TAX PARCEL: 25-126-005  
ZONING DISTRICT: C-2 (Commercial)

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

- Section 86-618(2), which states 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 applicant is requesting a variance to add onto a nonconforming office building at 601 Grand River Avenue.

Ms. Wyatt outlined the case for discussion.

Jeff Lonier, 601 Grand River Avenue, Okemos, applicant, explained the variance request would help to provide better flow between the front door and the reception area and allow for a private consultation room. The roofline would not need to be extended, and enclosing the drive-thru would improve the aesthetics of the building and property.

Member Jackson said the proposed building modification would not contribute to further nonconformity and makes more efficient use of the building as a smart redevelopment opportunity of an existing structure.

MEMBER JACKSON MOVED TO APPROVE THE VARIANCE AS REQUESTED.

SECONDED BY MEMBER HERSHISER.

Member Hershiser stated it would be a positive change while not infringing on any setbacks.

Member Ohlrogge characterized the unique circumstances as follows: The footprint of the building has been in existence since 1979 and will not change, and the adjacent property to the west has two zoning districts C-2 (Commercial) and RR (Rural Residential) that split the property.

Chair Beauchine outlined the review criteria (Section 86-221) to be considered for approval of the variance. Unique circumstances exist which were not self-created. Strict interpretation would result in practical difficulties, or render conformity unnecessarily burdensome. Granting this variance is the minimum action to make use of the structure, is not contrary to public interest, and will not affect the adjacent land or essential character in the vicinity. The conditions are not so general in nature, and granting this variance will be consistent with the public interest. Chair Beauchine specified rezoning the property after the structure was built created unique circumstances, and the request is the minimum action necessary.

ROLL CALL VOTE: YES: Member Hershiser, Jackson, LeGoff, Ohlrogge, Chair Beauchine  
NO: None.  
Motion carried 5-0.

**F. OTHER BUSINESS**

None

**G. PUBLIC REMARKS**

None

**H. BOARD MEMBER COMMENTS**

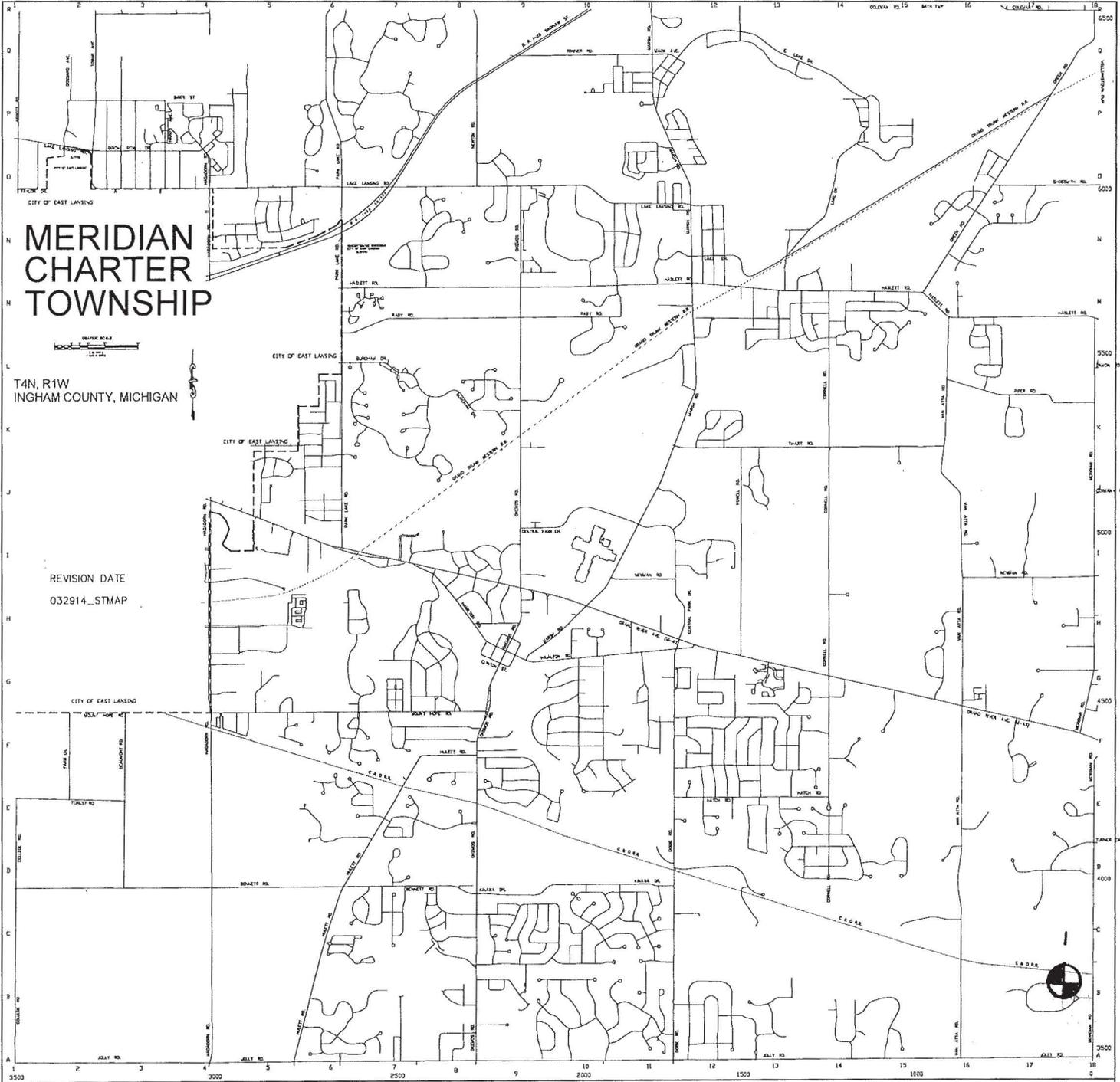
Chair Beauchine remarked the Farmer's Market has temporarily been moved to the Meridian Mall near the north side of Younkers.

**I. ADJOURNMENT**

Chair Beauchine adjourned the meeting at 7:36 p.m.

Respectfully Submitted,

Erin M. Bierly  
Recording Secretary



1 ZBA CASE #15-09-09-1 (DIONISE)

## 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 the Ordinance would result in practical difficulties.
4. 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 or would render conformity with such restrictions unnecessarily burdensome.
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, the purposes and intent of this Zoning Ordinance.

### **Effect of Variance Approval:**

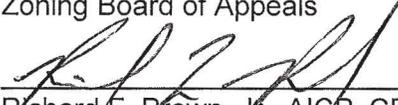
1. Granting a variance shall authorize only the purpose for which it was granted.
2. The effective date of a variance shall be the date of the Zoning Board of Appeals approves such variance.
3. A building permit must be applied for within 24 months of the date of the approval of the variance, and a Certificate of occupancy must be issued within 18 months of the date the building permit was issued, otherwise the variance shall be null and void.

### **Reapplication:**

1. 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 (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found by the Zoning Board of Appeals to be sufficient to justify consideration.

# MEMORANDUM

TO: Zoning Board of Appeals

FROM:   
Richard F. Brown, Jr., AICP, CBSP  
Associate Planner

DATE: September 4, 2015

RE: ZBA Case No. 15-09-09-1

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ZBA CASE NO.: 15-09-09-1 MARIO & EMILY DIONISE, 180 WIND-N-WOOD DRIVE, OKEMOS, MI 48864

DESCRIPTION: 180 Wind-N-Wood Drive  
TAX PARCEL: 36-426-002  
ZONING DISTRICT: RR (Rural Residential)

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

- Section 86-470 which states in no case shall any dwelling unit be located closer than 175 feet from a railroad right-of-way.

The applicant intends to enclose the existing approximate 211 square foot deck on the rear of the single-family residence located at 180 Wind-N-Wood Drive. The dwelling was constructed in 1980 and contains 2,275 square feet of floor area. Based on the survey done on the property, a 15 foot variance is necessary to enclose the deck.

| REQUIRED<br>SETBACK | PROPOSED<br>SETBACK | VARIANCE<br>REQUESTED |
|---------------------|---------------------|-----------------------|
| 175 feet            | 160 feet            | 15 feet               |

The 160 foot setback is composed of 110 feet of rear yard from the deck to the north lot line and a 50 foot common area which is owned by the Wind-N-Wood Subdivision.

## Site History

- The 1.16 acre subject site is zoned RR (Rural Residential).
- There have been no previous variance requests for Parcel #36-426-002.

## Attachments

1. Site location map and aerial photo
2. Application materials
3. Plot plan

CSX RAILROAD

RR

260

230

130

WIND-N-WOOD DRIVE

110

275

235

185

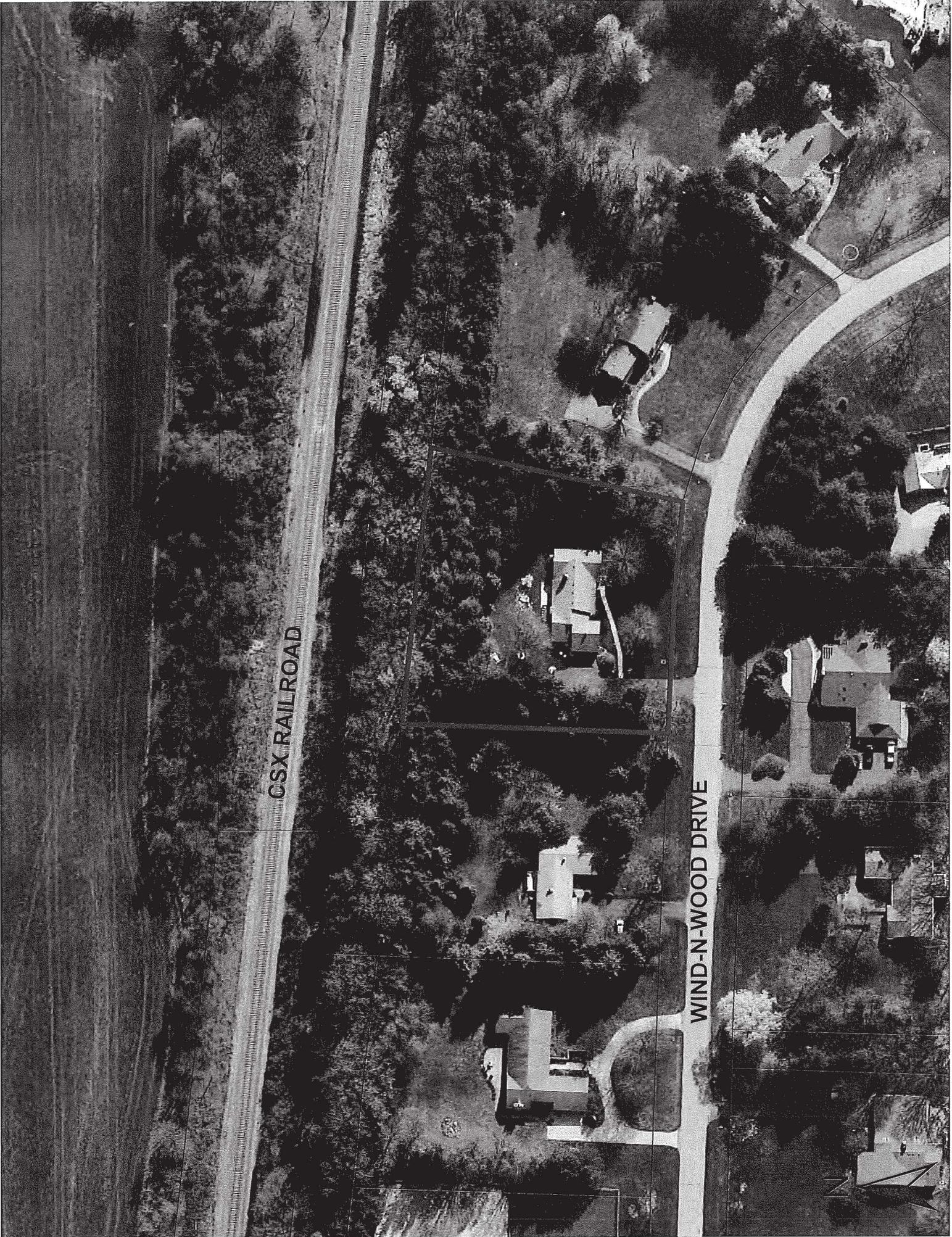
125

N



CSX RAILROAD

WIND-N-WOOD DRIVE



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

VARIANCE APPLICATION

A. Applicant Mario and Emily Dionise  
Address of Applicant 180 Wind-n-wood Drive  
Okemos Michigan 48864  
Telephone (Work) \_\_\_\_\_ Telephone (Home) 517-203-5656  
Fax \_\_\_\_\_ Email address: MIKE@320COMCAST.NET  
Interest in property (circle one): Owner Tenant Option Other

B. Site address/location 180 Wind-n-wood Drive Okemos MI 48864  
Zoning district RR (RURAL RES.) Parcel number 33-02-02-36-426-002

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) 86-470

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)

Emily Dionise                      PAUL DIONISE (son)                      8-9-15  
Signature of Applicant                      Print Name                      Date  
Emily Dionise                      EMILY DIONISE                      8-12-15  
Fee: \$150                      Received by/Date: [Signature] 8/17/15

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.)

Emily Dionise                      8/12-15  
Signature of Applicant(s)                      Date  
[Signature]                      8-12-15  
Signature of Applicant(s)                      Date

For: Mario and Emily Dionise

August 13, 2015

180 Wind n wood dr

Okemos, MI 48864

We would like to add a screened 3 season room to our current deck. It is the exact same size of our deck. The house was built in 1980 while the new ordinance took place in 1988. The plot was designed in 1971. The dimensions are 17'3" by 12'3". The windows will have double headers on the top, bottom and sides along with the door. The windows will be 30" above the floor while the window on the opening side of the door will be 28" away from the door while also maintaining its 30" height.

We talked to the neighbors within 300 feet of our home and they are all for the addition.

If you have any questions, please contact me at 517-819-1349

Mario/ Emily Dionise

  
Thank you

This 3 season Room will not adversely affect our Property or adjoining Properties.

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The Association has approved the 3 season Room addition. We met with the Association on August 14th and have their approval.

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Many other homes in our Association have 3 season Rooms. The purpose of this Variance is consistent with other homes in our Association.

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Its hard to enjoy our deck during the summer with the bugs, hot sun, etc. This would help us enjoy our house much more. Please Grant us This Variance. Thank You.



CSX R-O-W

50'

110'

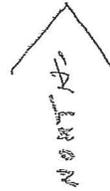


1 in = 40 ft

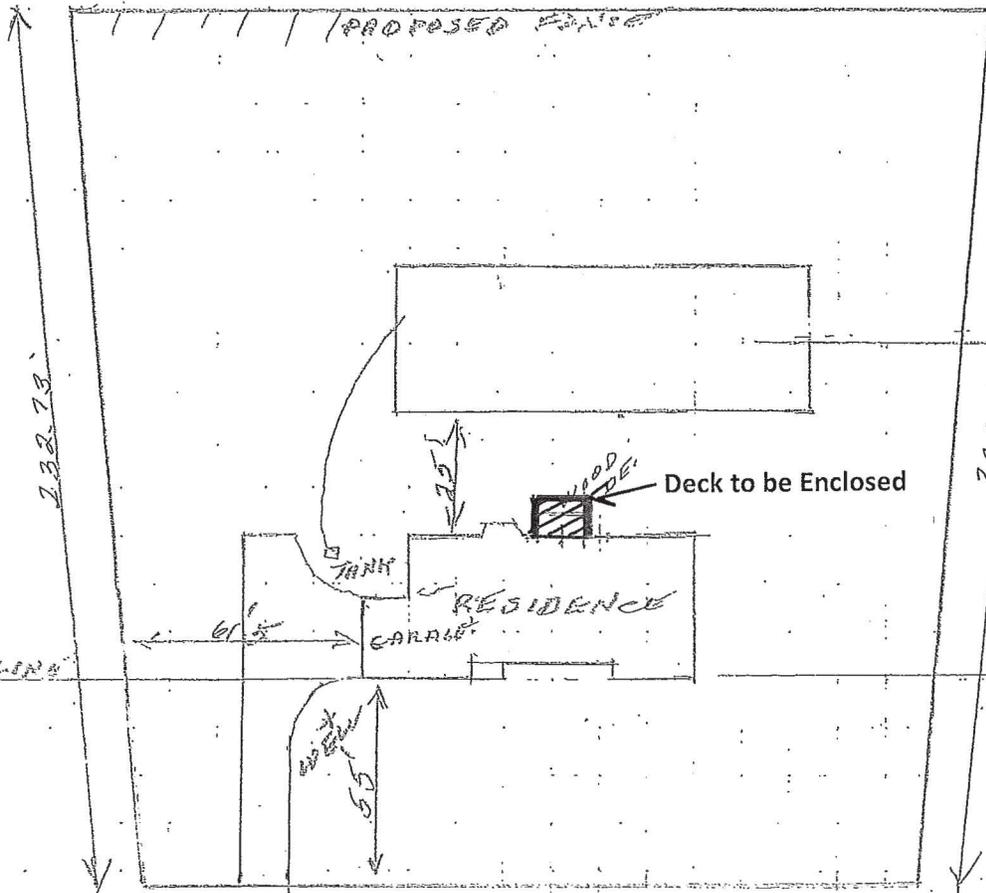


MARIO DIDRIZI

SCALE 1" = 50'



214.5'



FENCE PANELS ARE  
6' X 8' BUILT WITH  
2X4 AND 1X6 BOARDS  
POSTS ARE 4X4  
46" IN GROUND

DRAIN FIELD  
40' X 110'  
DETERMINED BY  
HEALTH DEPT

Deck to be Enclosed

HOUSE  
BASELINE

61.5'

55'

TANK  
RESIDENCE  
GARAGE

LOT N. 6.

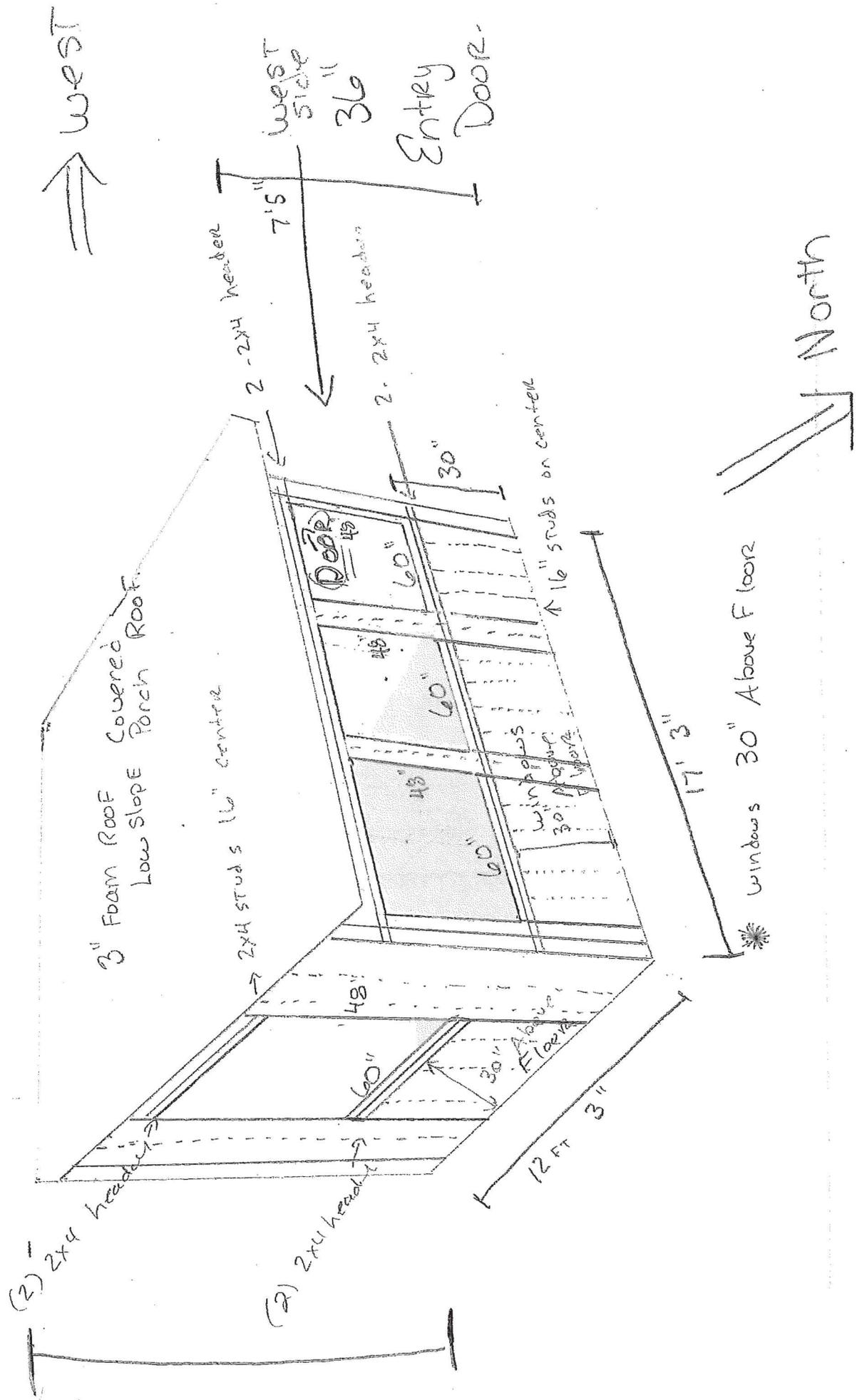
199.77'

180 WIND-N-WOOD DR.

180 wind n wood OKEMAS

Door is more than 24" from Glass.

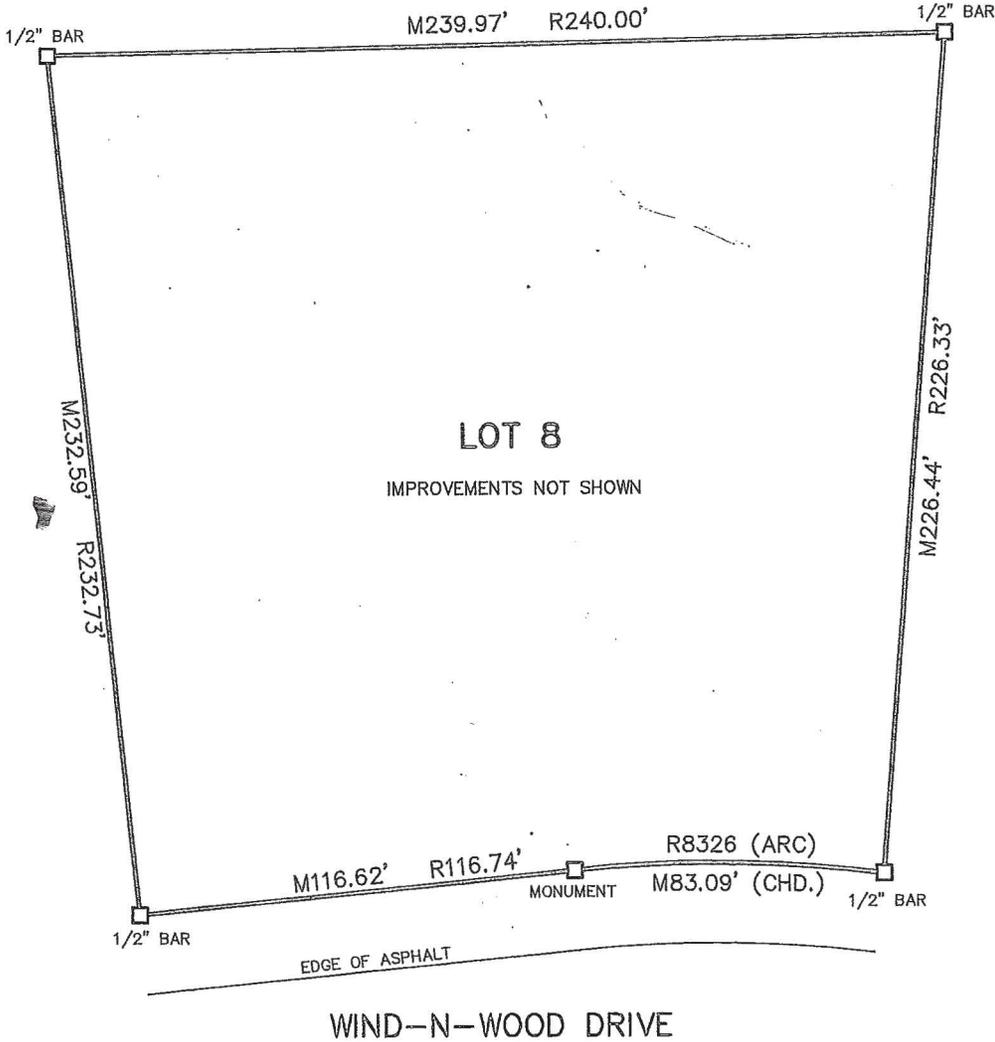
### Blueprints



# LOT SURVEY

For:  
 Mario & Emily Dionise  
 180 Wind-N-Wood Drive  
 Okemos, MI 48864

Legal Description (as provided): Lot 8, Wind-N-Wood Subdivision, Meridian Township, Ingham County, Michigan, according to the recorded plat thereof, as recorded in Liber 30 of Plats, Pages 29 & 30, Ingham County Records.



\*EASEMENTS, IF ANY, NOT SHOWN\*

I hereby certify only to the parties hereon that we have surveyed, at the direction of said parties, the above described lot, and that we have found or set, as noted hereon, permanent markers to all corners of said lot and that all visible encroachments of a permanent nature upon said lot are as shown on this survey. Said lot subject to all easements and restrictions of record.

- R = Recorded Distance
- M = Measured Distance
- = Distance Not to Scale
- = Deed Line
- = Set 1/2" Bar with Cap
- = Found Iron as Noted
- ▨ = Concrete, Asphalt, Deck, and Porch
- \* = Fence
- ← = Denotes Distance to the Deed Line

**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 36, T4N, R1W |
| FIELD WORK BY EF | JOB NUMBER:          |
| SHEET 1 OF 1     | 85518.LOT            |

LARRY A. BRYAN      DATE 5-3-12  
 PROFESSIONAL SURVEYOR      No. 25832