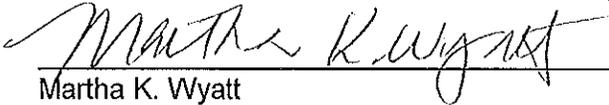


# MEMORANDUM

TO: Zoning Board of Appeals

FROM:   
Martha K. Wyatt  
Associate Planner/Landscape Architect

DATE: October 4, 2013

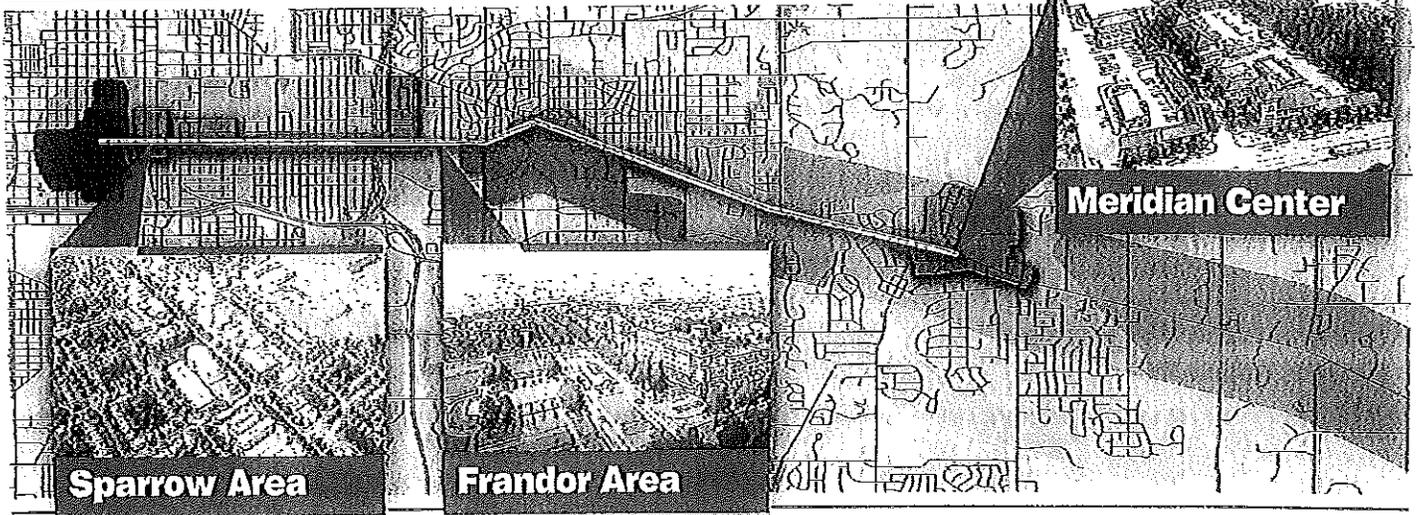
RE: Permission for site visit  
ZBA Case #13-09-11-1 (Joan Allman Blosser)  
8752 Coleman Road

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Per the ZBA application submitted by Joan Blosser, applicant for ZBA Case #13-09-11-1, the ZBA members have been granted permission by the applicant to visit the subject site at 8752 Coleman Road, however you must first contact Ms. Blosser to arrange a time for the site visit. Ms. Blosser may be reached at the following numbers: 517-339-9897 (cell) or 517-896-2400 (w).

# Michigan Avenue/ Grand River Avenue

## DESIGN Charrette



# October 22-30<sup>2013</sup>

## Sparrow Area

- ▶ **Opening Design Session**  
**WHEN:** Tuesday, October 22 > 6 PM - 9 PM  
**WHERE:** Allen Market Place,  
1619 E Kalamazoo Street, Lansing.
- ▶ **Open House**  
**WHEN:** Sunday, October 27 > 5 PM - 7 PM  
**WHERE:** Allen Market Place,  
1619 E Kalamazoo Street, Lansing.

## Frandor Area

- ▶ **Opening Design Session**  
**WHEN:** Tuesday, October 22 > 6 PM - 9 PM  
**WHERE:** Allen Market Place,  
1619 E Kalamazoo Street, Lansing.
- ▶ **Open House**  
**WHEN:** Sunday, October 27 > 5 PM - 7 PM  
**WHERE:** Allen Market Place,  
1619 E Kalamazoo Street, Lansing.

### Additional Meetings & Locations

- ▶ **Work in Progress Presentation**  
**WHEN:** Wednesday, October 30 > 6:30 PM - 9 PM  
**WHERE:** Hannah Community Center,  
East Lansing.
- Charrette Studio**  
▶ **WHEN:** October 23 thru 25 & October 27 thru 29,  
10 AM - 7 PM (Closed Saturday)  
**WHERE:** 325 E. Grand River Ave,  
Suite 300, East Lansing.

## Meridian Center

- ▶ **Opening Design Session**  
**WHEN:** Thursday, October 24 > 6 PM - 9 PM  
**WHERE:** Chippewa Middle School,  
4000 N Okemos Road, Okemos.
- ▶ **Open House**  
**WHEN:** Monday, October 28 > 5 PM - 7 PM  
**WHERE:** Meridian Township Hall,  
5151 Marsh Road, Okemos.

For Additional Information  
[www.migrand-charrette.com](http://www.migrand-charrette.com) or  
[#migrand13](https://twitter.com/MIGrand13)

# Charrette

CHARTER TOWNSHIP OF MERIDIAN  
ZONING BOARD OF APPEALS MEETING AGENDA  
5151 MARSH ROAD, OKEMOS, MI 48864-1198  
(517) 853-4000  
WEDNESDAY, OCTOBER 9, 2013, 6:30 PM  
TOWN HALL ROOM, OPEN TO PUBLIC

A. CALL MEETING TO ORDER

B. APPROVAL OF AGENDA

C. CORRECTIONS, APPROVAL & RATIFICATION OF MINUTES

- o Wednesday August 28, 2013

D. UNFINISHED BUSINESS

E. NEW BUSINESS

1. ZBA CASE NO. 13-09-11-1 JOAN ALLMAN (LAURIE) BLOSSER, 8754 COLEMAN ROAD, HASLETT, MI 48840

DESCRIPTION:	8752 Coleman Road
TAX PARCEL:	02-226-003
ZONING DISTRICT:	RA (Single Family, Medium Density)

The applicant has appealed the decision of the Director of Community Planning and Development regarding a nonconforming use.

- ☞ 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 - JIM HERSHISER

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.

BRETT 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

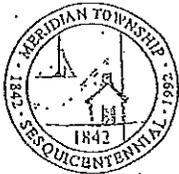
Persons wishing to appeal a decision of the Zoning Board of Appeals shall do so in accordance with Michigan Court Rules of Appeals to Circuit Court MCR 7.101.

G:\PLANNING\ZBA\ZBA AGENDAS\2013 ZBA AGENDAS\ZBAGNDA.131009



# LOCATION MAP

1. ZBA CASE NO. 13-09-11-1



## 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 eighteen (18) months of the date of the approval of the variance, and a Certificate of occupancy must be issued within eighteen (18) months of the date the building permit was issued, otherwise the variance shall be null and void.

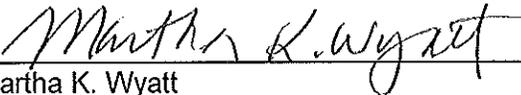
### **Reapplication:**

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:

  
Martha K. Wyatt  
Associate Planner/Landscape Architect

DATE: October 4, 2013

RE: ZBA Case No. 13-09-11-1

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**ZBA CASE NO.** 13-09-11-1, JOAN ALLMAN (LAURIE) BLOSSER, 9394 COLEMAN ROAD, HASLETT, MI 48840  
**DESCRIPTION:** 8752 Coleman Road  
**TAX PARCEL:** 02-226-003  
**ZONING DISTRICT:** RA (Single Family, Medium Density)

The applicant has appealed the decision made by the Director of Community Planning and Development regarding his decision to not approve a building permit application to repair fire damage to the house located at 8752 Coleman Road.

### Background Information

The subject property is located in Section 2 of Meridian Township. The property consists of a 5 acre parcel ("main parcel") with three (3) single family dwellings which are located in Meridian Township. The applicant also owns one parcel located in Bath Township, which is approximately 33 feet wide and 2,600 feet long, and provides access to the main parcel from Coleman Road. The subject property does not have any frontage on a public street in Meridian Township. The applicant has owned the property in the Township since 1989 and purchased the parcel for the access drive in 1992.

The portion of the property located in Meridian Township is zoned RA (Single Family, Medium Density). The property was referred to as RR (Rural Residential) in several of the communications however this is incorrect.

Three (3) single family structures are located on the parcel in Meridian Township (Tax Parcel ID #33-02-02-02-226-003). The official address is 8754 Coleman Road however each house has its own mailing address, as follows: 8730, 8752, and 8754 Coleman Road. The Township does not have any historical documents for the property or information as to why the three structures were built on one parcel. The Meridian Township Assessing records list the date of construction of each structure: 8730 Coleman Road (1930); 8752 Coleman Road (1948); and 8754 Coleman Road (1948), however these dates are only an approximation. Per Meridian Township's rental housing records, the three (3) structures have been registered as rentals since 1994.

The effective date of the Meridian Township Zoning Ordinance is November 2, 1948. The applicant states the adoption date of the ordinance is October 5, 1960, however this is incorrect. Per the 1948 zoning map, the subject property was zoned Agricultural (District F).

The zoning ordinance was amended October 5, 1960. The 1960 zoning map indicates the subject site was zoned RA (One Family, Medium Density). In 1960 the dimensional requirements in the RR (Rural Residential) zoning regulations included standards for minimum lot area. Under the Minimum Lot Area section, the number of dwelling units per lot was regulated as follows: there shall not be more than one dwelling unit upon each lot. In 1960 this specific regulation did not carry over to the remaining single family districts which were RAA, RA, and RB, however the supplementary regulations (Section 5.1.3) prohibited, in all residential districts (single family), a building in the rear of and on the same lot with the principal building to be used for residential purposes except for watchmen, caretakers, or domestic employee.

In 1992 the RR standards were amended (REZ #92020). The regulation regarding the limitation of the number of dwelling units permitted on one lot in RR was moved from the "Dimensional Requirements" section of the RR regulations to the "Uses Permitted by Right" section of the RR regulations. As a result, in 1992 the regulation limiting the number of dwelling units to one per lot became a use regulation that also carried over to the remaining single-family districts, including RA.

The current zoning standards for RR (One-Family, Rural Residential) are found in Section 86-368. Section 86-368(b) lists the "uses permitted by right". Section 86-368(b)(1) reads as follows:

*Single-family dwellings, provided that there shall be no more than one dwelling unit upon each lot and such dwelling shall be constructed on the site or manufactured off the site, which shall meet each of the following standards (which are listed in this section).*

This standard carries through to the other single family districts including RA.

Based on Section 86-368(b)(1), the use of the subject property is considered nonconforming as there are three (3) single family dwellings on one lot.

The structure is also considered nonconforming as the current RA standards (Section 86-373(e)(8)) require a minimum of 1,000 gross square feet of floor area (minimum living space) per family for the first floor if a one-story house, or 635 square feet of floor area on the first level if two stories. The single family structure at 8752 Coleman Road is a one-story and approximately 848 square feet in size.

#### Timeline of case

On February 19, 2012, a fire occurred at 8752 Coleman Road. On February 20, 2012, the house at 8752 Coleman Road was inspected by the Meridian Township Fire Inspector, Mark Hornberger, who completed a Fire Investigation Report on the fire damage, dated February 20, 2012. Meridian Township Chief Building Inspector John Heckman visited the site on February 20, 2012. After the inspection by the Township officials, it was determined the damage to the structure from the fire made the structure uninhabitable. Based on this information the Director's determined the structure was destroyed.

On August 9, 2012, the applicant submitted a building permit application to Meridian Township to repair the fire damage to the house at 8752 Coleman Road.

The Director considered the evidence provided by the Township Fire Inspector and Chief Building Inspector regarding the extent of the fire damage to the structure and determined that the structure was destroyed. The Director determined Section 86-619(6) was the applicable section as this section addresses a structure or structure and land in combination devoted to a nonconforming use. Section 86-618 applies to situations where only a nonconforming structure exists, but not a situation where both the structure and use are nonconforming.

Section 86-619(6) states:

*If a structure or structure and land in combination devoted to a nonconforming use is removed or destroyed the nonconforming use shall not be reestablished and the land shall be used in conformance with this chapter.*

In the Director's letter dated August 17, 2012, the Director stated the building permit could not be approved based on the following grounds:

- The use of the land is considered nonconforming as there are three dwelling units on one lot and one dwelling per lot is a permitted use under Section 86-368.
- The house was destroyed by the fire and per Section 86-619(6) the ordinance does not allow for the nonconforming use to be reestablished, thus the proposed repairs to the house could not be approved.

The applicant submitted a letter dated January 4, 2013 appealing the August 17, 2012 decision of the Director. A building permit application to repair the fire damage to the structure was submitted on January 4, 2013. Section 86-187 outlines the procedure to appeal the decision of a Township official. An appeal must be filed within 10 days of the date of the decision of the Director of Community Planning and Development. The appeal deadline was August 27, 2012 thus the January 4, 2013 appeal letter was not timely filed. The Director responded to the applicant with this information in his letter dated January 17, 2013.

A second appeal letter was submitted by the applicant on January 30, 2013, appealing the Director's decision made on August 17, 2012. A building permit application was also submitted on January 30, 2013, for repairs to the structure regarding the fire damage. The Director responded to the applicant in his letter dated February 7, 2013, reiterating the appeal deadline of August 17, 2012 had passed and an appeal could not be considered. The Director further explained the January 30, 2013 building permit application was incomplete. A list of required documentation was provided by the Director. Item number 4 in the letter stated the permit fee is based on the total cost of construction which includes all materials, fixtures, and equipment to make the structure habitable.

The Township Attorney sent a letter to the applicant, dated June 18, 2013, in response to the applicant's request to the Township Manager, Frank Walsh, for the Township to reconsider her request to repair the fire damage to the structure.

The Attorney reiterated the findings by Director Kieselbach in his previous letters to the applicant, that the subject property is considered a nonconforming use due to three (3) dwellings being located on one lot and the reestablishment of a nonconforming use is prohibited. The appeal process was explained again, noting a complete building permit application must be submitted, and if denied, a new 10-day appeal period would begin.

The applicant submitted a building permit application, fee, and supporting documentation on July 26, 2013 and a letter stating the total cost of repairing the structure is \$13,856. The building permit application lists the contractor as Matthew Yoder of Mainland Construction, with the valuation of work as \$13,856. An itemized bid was not provided listing the costs for the repairs. The estimated cost did not include plumbing, mechanical, or HVAC (heating, ventilation, and air conditioning) costs per the applicant. In her letter dated July 26, 2013, Ms. Blosser stated Section 86-618(3) entitled her to repair the nonconforming structure as the cost of repairing the structure was less than 50 percent of the replacement cost of the house. Per a document submitted by the applicant the replacement cost of the structure is approximately \$64,500. Staff cannot confirm at this time whether the repair estimates provided by the applicant are accurate. Additional costs may occur after the removal of all damaged materials. Cost estimates for labor, electrical, mechanical, or plumbing repairs, have not been provided.

The Director responded in writing to Ms. Blosser on July 31, 2013. In his letter the Director stated he could not approve the building permit as the land is devoted to a nonconforming use and the nonconforming use cannot be reestablished, per Section 86-619(6). The Director further noted Section 86-618(3) is not applicable as this section addresses nonconforming structures, and it is the use of the land with three (3) structures that is nonconforming.

In his letter dated July 31, 2013, the Director also stated Section 86-620(a), repairs and maintenance of a structure devoted to a nonconforming use, does not apply to this situation as the repairs are limited to correcting deterioration, wear or replacement of nonbearing walls. The repairs required to restore the house may be more extensive than the type of repairs permitted under Section 86-620(a).

Section 86-620(a) states:

*Any building devoted in whole or in part to any nonconforming use may be repaired to correct any deterioration or wear by replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding 50 percent of the assessed value of the building; provided that the area, height, bulk, use or extent of the building as is existed at the time of the passage or amendment of this chapter shall not be increased.*

Per the Township Assessing records the assessed value of the structure is \$22,974.00.

On August 9, 2013 the applicant appealed the Director's July 31, 2013 decision of the building permit. The case was originally scheduled for the regular meeting of the Zoning Board of Appeals on September 11, 2013. The applicant requested to postpone the case until October 9, 2013. Documentation was submitted by the applicant on September 16, 2013 and September 26, 2013.

Summary

Although the applicant claims she has received confusing instructions and unresponsiveness from the Township for over a year, it appears from the letters to Ms. Blosser that the Director had been in regular communication with the applicant regarding her requests to repair the structure at 8752 Coleman Road. The Township has steadily maintained in their communications the use of the land is considered nonconforming and Section 86-619(6) prohibits the reestablishment of a nonconforming use.

An appeal of a decision made by the Director of Community Planning and Development is heard by the Zoning Board of Appeals as outlined in Section 86-187.

*Section 86-187 states, except for decisions regarding special use permits and planned unit development decisions, an aggrieved person, officer, department, board, or bureau of state government may appeal any administrative order or decision of the Director of Community Planning and Development or administrative official charged with enforcement of the zoning ordinance to the Zoning Board of Appeals.*

Section 86-62(b)(1) outlines the powers and duties of the Zoning Board of Appeals, which includes the ability to hear and decide appeals of any order, requirement, decision, or determination of any township administrative officer or official charged with interpreting or enforcing the provisions of the zoning ordinance.

The Zoning Board of Appeals is charged with determining whether the Director of Community Planning and Development interpreted the Code of Ordinances correctly. The facts of the case are as follows:

- The structure located at 8752 Coleman Road sustained fire damage on February 20, 2012, to such an extent the structure was deemed uninhabitable by the Township Fire Inspector and the Township Chief Building Inspector. The Director determined the structure had been destroyed.
- Three (3) houses are located on one lot and no more than one dwelling is permitted on one lot per Section 86-368(b)(1), therefore the use of the land is considered nonconforming.
- Per Section 86-619(6), if a structure or structure and land in combination that is devoted to nonconforming use is removed or destroyed the nonconforming use cannot be reestablished.
- The building permit application submitted on July 31, 2013 to repair the fire damage to the house was not approved by the Director of Community Planning and Development, based on the Director's determination the land is devoted to a nonconforming use and a nonconforming use cannot be reestablished, including the proposed repairs to the house.
- On August 9, 2013 the applicant appealed the Director's decision to not approve the applicant's building permit application dated July 31, 2013.

Section 86-187(1)d. outlines actions the Zoning Board of Appeals may take in considering the appeal. The actions may include the following: affirm the decision of the Director of Community Planning and Development with or without modification; reverse the decision of the Director of Community Planning and Development and state its reason(s); or modify the decision of the Director of Community Planning and Development.

**Attachments**

1. Application
2. Site Location Map
3. Document from Applicant dated September 16, 2013, with the exception of Exhibit E and F , submitted on September 26, 2013
4. Fire Investigation Report, Township Fire Inspector, with photographs, dated February 20, 2012
5. Affidavit from Mark Hornberger and John Heckaman dated September 26, 2013
6. Letter from Director Mark Kieselbach, dated August 17, 2012
7. Letter from Director Mark Kieselbach, dated January 17, 2013
8. Letter from Director Mark Kieselbach, dated February 7, 2013
9. Letter from Andria Ditschman, Township Attorney, dated June 18, 2013
10. Letter from Director Mark Kieselbach, dated July 31, 2013
11. Communications from LINC (Liaison for Inter-Neighborhood Cooperation), dated September 26, 2013

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

VARIANCE APPLICATION

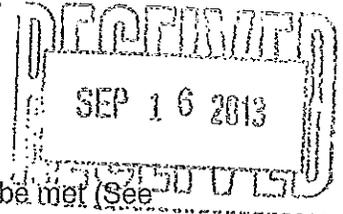
A. Applicant Joan Lauren Allman Blosser  
Address of Applicant 9349 Coleman Rd.  
Harbott, MI  
Telephone (Work) 517-384-4610 Telephone (Home) 517 339-9897  
Fax \_\_\_\_\_ Email address: \_\_\_\_\_  
Interest in property (circle one): Owner Tenant Option Other

B. Site address/location 8754 Coleman Rd  
Zoning district RA Parcel number 33-02-02-02-226-003

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) 86-618, 86-619

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)



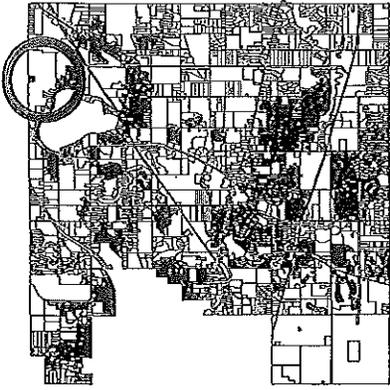
Joan Lauren Allman Blosser Joan Lauren A. Blosser 9/16/13  
Signature of Applicant Print Name Date

Fee: paid - 8/9/13 Received by/Date: 9/16/13 Martha Wyatt

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.)  
Joan Lauren Allman Blosser 9/16/13  
Signature of Applicant(s) Date  
\_\_\_\_\_  
Signature of Applicant(s) Date

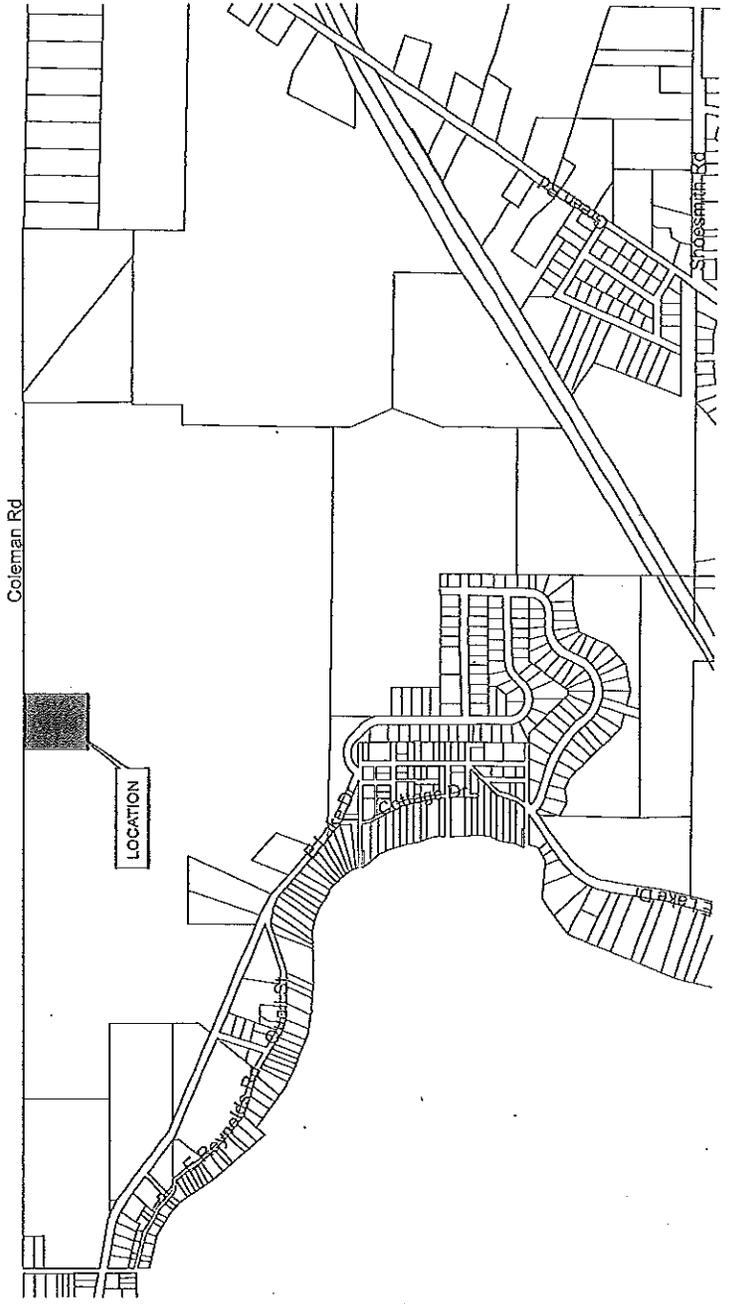
Only granting Martha Wyatt and Zoning Board of Appeal Members members. I must be present for inspection, Joan L. Blosser. 517-339-9897, cell 517-896-2400  
WK 384-4610

**ZONING BOARD OF APPEALS #13-09-11-1  
(JOAN ALLMAN (LAURIE) BLOSSER)**



**APPEAL THE DECISION OF THE  
DIRECTOR OF COMMUNITY PLANNING &  
DEVELOPMENT REGARDING A  
NONCONFORMING USE AT  
8752 COLEMAN ROAD**

**CHARTER TOWNSHIP OF MERIDIAN**



CHARTER TOWNSHIP OF MERIDIAN  
ZONING BOARD OF APPEALS

IN THE MATTER OF

JOAN ALLMAN (LAURIE) BLOSSER  
9349 COLEMAN ROAD  
HASLETT, MICHIGAN 48840  
Applicant

Tax Parcel #33-02-02-02-226-003  
8754 Coleman Road  
Haslett, Michigan 48840

**NOTICE OF APPEAL OF  
BUILDING PERMIT APPLICATION DENIAL**

Applicant Joan Allman (Laurie) Blosser ("Ms. Blosser") appeals the denial of her building permit application ("Application") (Exhibit A) by the Charter Township of Meridian Department of Planning and Development, as set forth in the decision letter dated July 31, 2013. (Exhibit B).

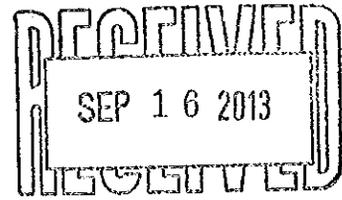
An appeal of the Planning Department's decision is authorized by the Meridian Township Ordinance ("Ordinance"), Sec. 86-187. The grounds for appeal and supporting materials are set forth below.

**FACTS**

Ms. Blosser and her husband, Gabe, have owned and paid taxes on the property located at 8754 Coleman Road in Meridian Township since 1989. The Blossers maintain residences in both Bath Township and Meridian Township, and have maintained the property at 8754 Coleman Road as a rental. The property consists of 2 lots: (1) 5 acres with 3 dwellings located in Meridian Township and bordering Lake Lansing Park North on the south, west, and east sides, and Bath Township on the north side; and (2) a separate lot approximately 1/2 mile long and 33 feet wide located in Bath Township that serves as a driveway connecting the main parcel with a county road (Exhibit C).<sup>1</sup> The property is zoned RR in Meridian Township and is rural in character. The property is nonconforming under Sec. 86-368 of the Ordinance due to the three dwellings sited on the single parcel. The dwellings were built between 1930 and 1948. The nonconformity predates the October 5, 1960, adoption date of the Ordinance.

One of the three dwellings, Building 2, address 8752 Coleman Road, was damaged by a fire on February 19, 2012. The tenant called 911, reached the Clinton County Central Dispatcher, reported a wood stove fire, and told the dispatcher, "I'm in Meridian." The Dispatcher relayed the call to the Bath Township fire marshal, who sent Bath Township's volunteer fire department

<sup>1</sup> The Blossers pay taxes to Bath Township for the driveway lot.



to the call. They took 19 minutes and 55 seconds to arrive. DeWitt's volunteer fire department arrived in 22 minutes and 29 seconds and assisted with the call. Meridian Township has firefighters on call at their fire station at Haslett and Okemos roads 24 hours a day and are 4.4 miles away from the property. Meridian Township is a partner in the Clinton County Central Dispatch Mutual Aid Agreement but did not respond to the call.

There is a history of Meridian Township not responding to emergency calls at this address. One of the houses had a home invasion in 1993. The tenants called 911 but Meridian Township refused to answer the call, stating that it wasn't in their jurisdiction. Bath Township police responded. Mr. Blosser went to the Meridian Township offices the day after the home invasion and put them on notice that the rental properties are located in Meridian Township and all public safety calls should be answered by Meridian.

Ms. Blosser received confusing instructions and unresponsiveness from the Township for over a year as she attempted to file a building permit application to repair the fire damage to the house. After the Township consulted with its attorney (Exhibit D), 16 months after the fire,<sup>2</sup> the Township invited Ms. Blosser to submit the current Application now being appealed. This Application was submitted July 26, 2013, and was administratively complete according to the list of instructions set forth in Exhibit D.

Photographs of the house in its current condition are included (Exhibit E). Ms. Blosser grants permission to the Zoning Board of Appeals and Martha Wyatt of the Planning Department to make a site visit to the property if she is present<sup>3</sup> (Exhibit F).

## ARGUMENT AND SUPPORT

### 1. The Application meets the requirements of the Ordinance.

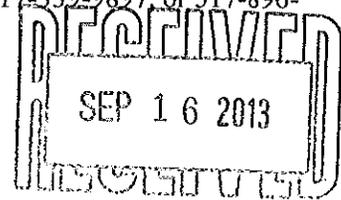
The Application should be granted because it meets the standards set forth in Chapter 86, Division 6, of the Ordinance dealing with nonconforming structures and uses. Specifically, the Application meets the standard set forth in Sec. 86-618(3), which provides:

If a nonconforming structure is destroyed by any means to an extent of more than 50 percent of its replacement costs, exclusive of the foundation, it may be reconstructed only in conformity with the provisions of this chapter.

---

<sup>2</sup> In denial of the Application, the Township did not claim the structure has been abandoned under Sec. 86-619(5) of the Ordinance. Ms. Blosser asserts that the property has not been abandoned, and that the confusing instructions given to her by the Township are the reason for the delay in applying for a building permit.

<sup>3</sup> Ms. Blosser grants permission *only* to members of the Zoning Board of Appeals and to Martha Wyatt of the Planning Department to visit the site. She may be contacted at 517-339-9897, or 517-896-2400.



The replacement cost of the structure is \$64,500 (Exhibit G). Ms. Blosser attached a repair estimate to the Application for a total of \$13,856 for materials and labor (Exhibit H). A second estimate from another contractor listed a cost of \$11,116.93 for materials and labor (Exhibit I). The cost of repairing the structure is less than 50 percent of its replacement cost.<sup>4</sup>

**2. Sec. 86-620 of the Ordinance is the wrong standard for deciding the Application.**

In denial of the Application, the Township stated that Sec. 86-620 of the Ordinance is the proper basis for its decision. However, a close analysis of the language in Chapter 86, Division 6 of the Ordinance, reveals that reliance on Sec. 86-620 to deny the Application is inappropriate.

The heading for each section of the Ordinance clearly spells out its purpose. Sec. 86-617 deals with "Nonconforming uses of land." Sec. 86-618 deals with "Nonconforming structures." Sec. 86-619 deals with "Nonconforming uses of structures and land." Taken together, these three sections cover the types of nonconformities recognized in zoning law.

Sec. 86-620 serves an entirely separate purpose from the preceding three sections. It deals with "Repairs and maintenance" and allows property owners to conduct routine, limited upkeep or repairs on nonconforming properties "to correct deterioration or wear." The purpose of Sec. 86-620 is to encourage the owner of the nonconformity to maintain the property's value, while the "50 percent of the assessed value" yearly limitation and the exclusion of load-bearing walls are intended to keep routine maintenance or remodeling from turning into an expansion of the nonconformity.<sup>5</sup>

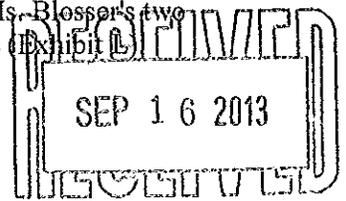
Properties damaged by fire, windstorm, or other natural forces beyond the owner's control are outside the scope of Sec. 86-620. This section contains no language about structures that were "destroyed" or "destroyed by any means" as Sec. 86-618 and 86-619 do. Consider, for example, a home with a \$250,000 assessed value and sited as a nonconforming use. Suppose this home sustains \$25,000 worth of damage to a load-bearing wall in a windstorm. Although the damage is only 10 percent of the building's assessed value, Sec. 86-620 prohibits the repair of load-bearing walls; therefore the homeowner could not obtain a building permit to repair his half-million dollar home. Examples like this one point up the absurdity of applying Sec. 86-620 to a structure damaged by a fire or other force of nature.<sup>6</sup>

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<sup>4</sup> In fact, the cost of repairing the structure is also less than 50 percent of its assessed value if Ms. Blosser's family performs all labor to repair the dwelling (Exhibit I). The Township has verbally stated to Ms. Blosser that property owners are prohibited under state law from performing their own labor to repair a residential rental property, but has not cited any specific legal authority to support this statement.

<sup>5</sup> A "Repairs and maintenance" section governing only the routine upkeep of a nonconforming property is very common in zoning ordinances. See, e.g., zoning ordinances for City of East Lansing, Michigan, Sec. 50-853(b); City of St. Joseph, Michigan, Sec. 21.7; and City of LaPorte, Indiana, Sec. 29.02 (compare subpart (e) with subpart (d)) (Exhibit J).

<sup>6</sup> It is pertinent that the Township did not cite Sec. 86-620 at all in denying Ms. Blosser's two previous applications. In these denials, it relied only on Sec. 86-619 of the Ordinance (Exhibit L).



**3. Sec. 86-618 of the Ordinance provides the clearest, least arbitrary standard for repairing fire damage.**

After eliminating Sec. 86-620, the question remains: which remaining section of the Ordinance is the correct standard for deciding this Application? Only Sec. 86-618 of the Ordinance provides a clear, non-arbitrary standard for deciding the Application.

In denying the Application, the Township stated that Sec. 86-618 "is not applicable as it is the use of the land with the three structures that is nonconforming." Apparently, the Township's position is that Sec. 86-618 applies only to nonconforming structures and does not apply to nonconforming uses. However, this is a distinction without a real difference. The Township's own definition of the term "nonconforming use" in the Ordinance includes nonconforming structures as well as nonconforming uses of land:

Nonconforming use means a *building, structure, or use of land* lawfully in existence at the time of enactment of this chapter and which does not conform with the regulations of the district or zone in which it is situated (Sec. 86-1, emphasis added).

The Ordinance's definition of "nonconforming use" is extremely broad, allowing the use of land with the three structures at issue in this case to be considered under Sec. 86-618.

In fact, the Zoning Board of Appeals has previously applied Sec. 86-618 to nonconforming uses similar to the one at issue in this Application. For example, in ZBA case no. 10-04-28-01 (Exhibit K)<sup>7</sup>, the Board considered whether to allow alteration of a garage located on a parcel without the principal structure, the house. The Township classified the garage as a "nonconforming building," although the nonconformity is clearly a nonconforming use similar to Ms. Blosser's property.<sup>8</sup> Similarly, in ZBA case no. 11-12-14-1 (Exhibit K), a property with two existing driveways was decided under Sec. 86-618. The siting of two driveways on a single parcel is very similar to the siting of three houses on Ms. Blosser's parcel. These two cases show that the Planning Department and the Zoning Board of Appeals have applied the broadest possible definition of "nonconforming use" in the past, particularly when a narrow definition would result in undue hardship to the applicant, as it would in this case.<sup>9</sup>

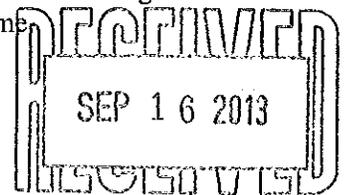
Alternatively, the Zoning Board of Appeals could evaluate the Application under Sec. 86-619, which governs fire and other natural disaster damage as Sec. 86-618 does. However, Sec. 86-619 provides no standard for the extent of damage required for a structure to be considered "destroyed." Whether the building requires 5 percent or 95 percent of its replacement cost to make it habitable, under Sec. 86-619 the decision to declare it destroyed is entirely within the

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<sup>7</sup> The Board later granted the property owner a variance after some adjustments to the building plan (ZBA case no. 11-05-11-1).

<sup>8</sup> "Use means the purpose for which land or a building is arranged, designed or intended, or for which land or a building may be occupied" (Sec. 86-1) This definition describes both the Choi's garage and Ms. Blosser's property.

<sup>9</sup> It is impossible to make this property a conforming use due to its lack of road frontage. Attempting to make the property conforming would unreasonably prevent Ms. Blosser from using it for any purpose or would render conformity with the Ordinance unnecessarily burdensome.



Township's discretion. Sec. 86-619's lack of a clear standard makes it unreasonable as a basis for declaring whether this building was destroyed.

To muddle the situation even further, Sec. 86-619 applies to "a structure or structure and land in combination devoted to a nonconforming use." This overlaps it with Sec. 86-618 under the Ordinance's definition of "nonconforming use" in Sec. 86-1. Consider, for example, a nonconforming building sited on a conforming lot requiring repairs after a fire totaling 40 percent of its replacement cost. The Township, at its sole discretion, could apply Sec. 86-618 and grant a building permit, or it could apply Sec. 86-619, declare the building "destroyed," and deny a building permit.

Whether a building is destroyed is a question of fact. It is not a legal question and therefore the answer should not change depending on which section of the Ordinance applies. Because Sec. 86-619's complete lack of clear guidelines makes unreasonable application of the Ordinance a near certainty, the specific provisions of Sec. 86-618 should be used in deciding the Application.<sup>10</sup>

**4. The Township has provided no factual support that the dwelling was "destroyed."**

Although the Township does not explicitly state in its denial letter (Exhibit B) that the dwelling was destroyed, the citation of Sec. 86-619 of the Ordinance implies it, and the Township has used the word in communication with Ms. Blosser, both verbally and in writing.<sup>11</sup> However, the Township has not given any specific factual support for this claim. The Township has never issued a report listing the extent of the damage in support of its conclusion that the building was destroyed. Any determination that the building was destroyed lacking specific facts should not be considered in the grant or denial of the Application.

Ms. Blosser has obtained two repair estimates from licensed contractors for approximately 25 percent of the replacement value of the structure. The scope of the work is limited to repair of the roof, part of one exterior wall, electrical work, and cosmetic repairs to the interior. The plumbing is completely functional, as is the boiler heating system. The structure is was not destroyed by the fire.

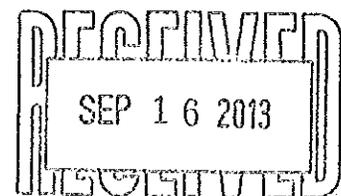
**REQUEST FOR RELIEF**

The stated intent of the Ordinance regarding nonconformities is to "permit legal nonconforming lots, structures, or uses to continue until they are removed or abandoned but not to encourage their continuance" (Sec. 86-616(b)). This standard is the same for all three types of nonconformities. Furthermore, there is no statement of intent in the Ordinance to discontinue nonconformities that have been damaged or destroyed.

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<sup>10</sup> In fact, it may be the intent of the Ordinance to incorporate Sec. 86-618's "50 percent of replacement cost" standard into Sec. 86-619 by reference.

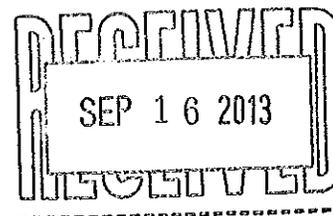
<sup>11</sup> See, e.g., letter from the Planning Department dated August 17, 2012 (Exhibit L), and letter dated January 17, 2013.



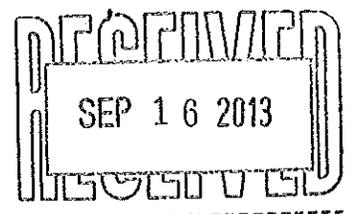
Because the Application meets the requirements of the Ordinance for the above stated reasons, Ms. Blosser requests that a building permit be issued.

Submitted by Loretta Crum Date 9-16-13

Loretta Crum P68297  
Attorney at Law  
PO Box 40  
Laingsburg, Michigan 48848  
517-449-0730  
lawlorettacrum@borealpress.com



# Exhibit A



Joan Allman (Laurie) Blosser  
9349 Coleman Road  
Haslett, Michigan 48840

Mark Kieselbach  
Director of Community Planning and Development  
Charter Township of Meridian  
5151 Marsh Road  
Okemos, Michigan 48864

July 26, 2013

Enclosed please find my application for a building permit for my rental property at 8754 Coleman Road, Haslett, Michigan, in accordance with the letter I received from Andrea Ditschman at The Hubbard Law Firm dated June 18, 2013.

I have enclosed the following items per the township's requirements:

1. Building permit application
2. Truss diagrams from the manufacturer, including information on span, load and bracing
3. Worksheet to show compliance with Michigan Uniform Energy Code
4. Complete building drawings (2 sets) showing:
  - Wall sections
  - Header details
  - Footing details both existing and proposed including load bearing points
  - Complete floor plan showing the dimensions of each room labeled on the plan
5. Permit fee of \$150

The total cost of repairing the building is \$13,856. No plumbing or mechanical/HVAC work is required to make the building habitable. No heavy equipment is required for the repair.

The cost of repairing the building is less than 50 percent of the replacement cost of the building. Under Meridian Township ordinance 86-618(3), I am entitled to repair a nonconforming structure if the damage is less than 50 percent of the replacement cost.

I have included all documents required in the building permit application and listed in Ms. Ditschman's letter. If the township requires additional documentation that I have not received notification for, I would appreciate the opportunity to supply those documents rather than have my building permit rejected for failure to submit them.

Thank you for your consideration. You may contact me at my home phone, 517-339-9897, or my cell phone, 517-896-2400, if you have any questions.

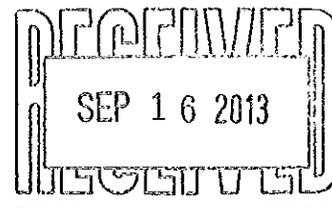
Sincerely,



Laurie Blosser

encl: Building permit application, requested documents, payment

cc: Frank Walsh, Township Manager  
Andrea Ditschman, Hubbard Law Firm



**BUILDING PERMIT APPLICATION**  
**CHARTER TOWNSHIP OF MERIDIAN**  
**5151 MARSH ROAD, OKEMOS, MI 48864-1198**  
**(517) 853-4500 BUILDING DIVISION**

Date 7/26/13

**PLEASE PRINT**

Description of Work <u>Fix Fire Damage</u>			
Project Name <u>Blosser Rental</u>		Project Address <u>8754 Coleman Rd, Haslett MI</u>	
Legal Description	Lot No.	Subdivision	
Owner Name <u>Gabe + Laurie Blosser</u>		Mailing Address if different than job address <u>9349 Coleman Rd., Haslett MI</u>	Telephone <u>517-339-9897</u>
Contractor Name <u>Mathew T. Yoder</u> <u>Mainland Construction</u>		Contractor Phone <u>517-726-0319</u> <u>517-231-2924</u>	Contractor License # <u>2101194437</u> <u>517-896-2400</u>
Contractor Street Address, City, State, Zip <u>2090 Shaytown Rd. Vermontville, MI 49096</u>			
Engineer/Architect <u>Gabe Blosser</u>		Street Address, City, State, Zip, Phone, Registration Number <u>9349 Coleman Rd, Haslett, MI 48840</u>	
Size of Structure <u>896.00</u>	Valuation of Work \$ <u>13,856.00</u>	Permit Fee \$ <u>150.00</u>	

NOTICE: This permit becomes null and void if work or construction is not commenced within six months, or if work or construction is suspended or abandoned for a period of six months at any time after work is commenced.

A true copy of the plans of said building is attached. It is understood that all provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

"Section 23a of the state construction code act of 1972, 1972 PA 230, MCL 125.1523A, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of Section 23a are subjected to civil fines."

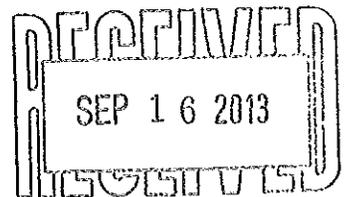
Applicant Signature Mathew Yoder Date 07-16-13  
 Federal I.D Number 364-27-6150 Insurance Name/Policy Number Small Business Aid

**FOR OFFICE USE ONLY**

Sidwell No.	Zoning District	Occupancy Group	Code
Water/Sewer: <input type="checkbox"/> Private <input type="checkbox"/> Public Permit No. _____		Storm Drain: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Driveway Permit No. _____		Township Engineer: _____	
Soil Erosion Permit No. _____			
Existing Structure or Use <input type="checkbox"/> Conforming <input type="checkbox"/> Non Conforming If Non Conforming Assessed Value of Structure \$ _____		Proposed Structure <input type="checkbox"/> Conforming <input type="checkbox"/> Non Conforming Variance Granted/Date _____	

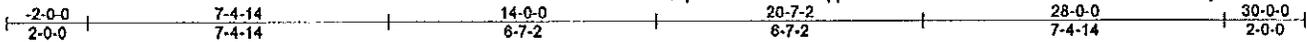
Application accepted by _____	Date _____	<b>Building Permit Number</b>	
Fee Received _____	Receipt No _____	Date _____	By _____
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	Building Official _____	Date _____	
Special Conditions _____ _____ _____			

NOTE: Separate applications must be completed for Plumbing, Electrical and Mechanical permits.

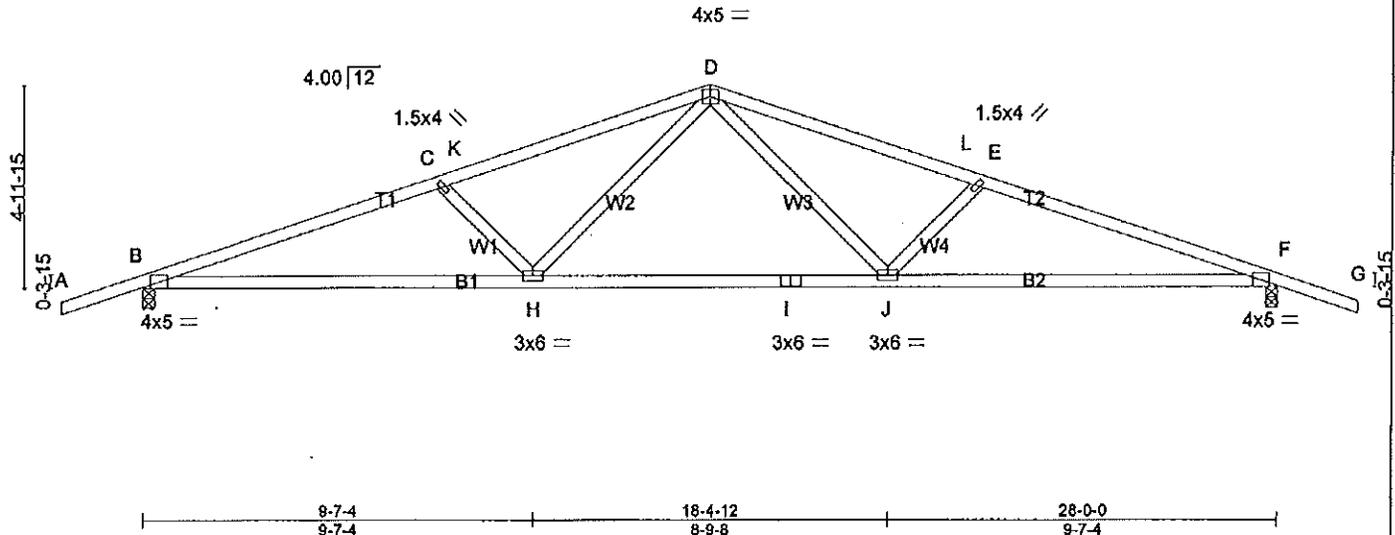


Job STK28	Truss 28R	Truss Type COMMON	Qty 1	Ply 1	Job Reference (optional)
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Heart Truss & Engineering, Lansing, MI 48906 7.250 e Aug 25 2011 MiTek Industries, Inc. Mon Feb 18 11:05:45 2013 Page 1  
 ID:Yp1306YnAPLqWbhp5YrN5zRcG-cBPx8Sox0h1SMuT86dwrABUaBYjwOI9JTzHZMzjxKa



Scale = 1:52.4



LOADING (psf) TCLL 26.9 (Ground Snow=35.0) TCDL 7.0 BCLL 0.0 * BCDL 10.0	SPACING 2-0-0 Plates Increase 1.15 Lumber Increase 1.15 Rep Stress Incr YES Code IBC2009/TPI2007	GSI TC 0.67 BC 0.64 WB 0.38 (Matrix)	DEFL In (loc) l/defl L/d Vert(LL) -0.18 F-J >999 360 Vert(TL) -0.52 F-J >643 240 Horz(TL) 0.11 F n/a n/a	PLATES GRIP MT20 197/144 Weight: 114 lb FT = 20%
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**LUMBER**  
 TOP CHORD 2 X 4 SYP No.1  
 BOT CHORD 2 X 4 SYP No.1  
 WEBS 2 X 4 SPF Stud

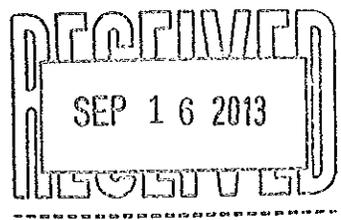
**BRACING**  
 TOP CHORD Structural wood sheathing directly applied or 3-0-14 oc purtins. (PS)  
 BOT CHORD Rigid ceiling directly applied or 8-2-8 oc bracing.

**REACTIONS** (lb/size) B=1363/0-3-8 (min. 0-1-10), F=1363/0-3-8 (min. 0-1-10)  
 Max Horz B=53(LC 8)  
 Max Uplift B=-177(LC 6), F=-177(LC 7)

**FORCES** (lb) - Maximum Compression/Maximum Tension  
 TOP CHORD A-B=0/74, B-C=-2890/756, C-K=-2519/639, D-K=-2438/655, D-L=-2438/655, E-L=-2519/639, E-F=-2890/756, F-G=0/74  
 BOT CHORD B-H=-617/2666, H-I=-328/1780, I-J=-328/1780, F-J=-617/2666  
 WEBS C-H=-621/287, D-H=-134/882, D-J=-134/882, E-J=-621/287

- NOTES**
- 1) Wind: ASCE 7-05; 90mph; TCDL=4.2psf; BCDL=8.0psf; h=26ft; Cat. II; Exp B; partially; MWFRS (low-rise) and C-C Exterior(2) zone; C-C for members and forces & MWFRS for reactions shown; Lumber DOL=1.60 plate grip DOL=1.80
  - 2) TCLL: ASCE 7-05; Pg= 35.0 psf (ground snow); Pf=26.9 psf (flat roof snow); Category II; Exp B; Partially Exp.; Cl=1.1
  - 3) Unbalanced snow loads have been considered for this design.
  - 4) This truss has been designed for greater of min roof live load of 20.0 psf or 2.00 times flat roof load of 26.9 psf on overhangs non-concurrent with other live loads.
  - 5) This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
  - 6) \* This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3-6-0 tall by 2-0-0 wide will fit between the bottom chord and any other members.
  - 7) Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 177 lb uplift at joint B and 177 lb uplift at joint F.
  - 8) This truss is designed in accordance with the 2009 International Building Code section 2306.1 and referenced standard ANSI/TPI 1.
  - 9) "Semi-rigid pitchbreaks with fixed heels" Member end fixity model was used in the analysis and design of this truss.

LOAD CASE(S) Standard



Job STK28	Truss 28G	Truss Type GABLE	Qty 1	Ply 1	Job Reference (optional)
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Heart Truss & Engineering, Lansing, MI 48908 7.250 e Aug 25 2011 MiTek Industries, Inc. Mon Feb 18 11:06:27 2013 Page 1  
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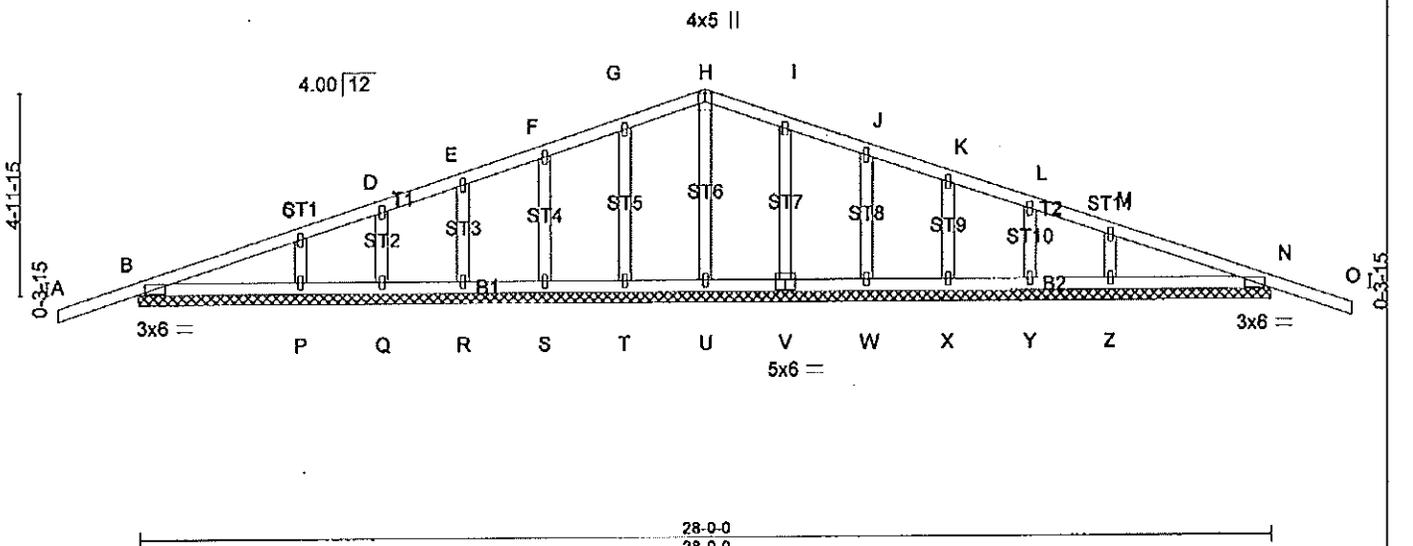
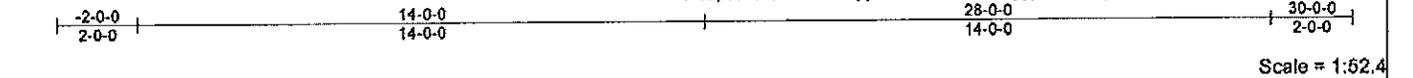


Plate Offsets (X, Y): [V:0-3-0-0-3-0]

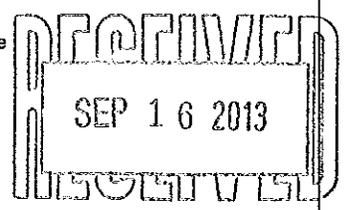
LOADING (psf)	SPACING	CSI	DEFL	in (loc)	l/def	L/d	PLATES	GRIP
TCLL 26.9 (Ground Snow=35.0)	2-0-0 Plates Increase 1.15 Lumber Increase 1.15	TC 0.34 BC 0.17 WB 0.08 (Matrix)	Vert(LL) -0.09 Vert(TL) -0.09 Horz(TL) 0.00	O O N	n/r n/r n/a	120 90 n/a	MT20	197/144
TCDL 7.0	Code IBC2009/TPI2007						Weight: 125 lb	FT = 20%
BCLL 0.0								
BCDL 10.0								

LUMBER	BRACING
TOP CHORD 2 X 4 SYP No.1	TOP CHORD Structural wood sheathing directly applied or 6-0-0 oc purins. [PS]
BOT CHORD 2 X 4 SYP No.1	BOT CHORD Rigid ceiling directly applied or 10-0-0 oc bracing.
OTHERS 2 X 4 SPF Stud	

**REACTIONS (lb/size)** B=327/28-0-0 (min. 0-3-4), N=327/28-0-0 (min. 0-3-4), U=158/28-0-0 (min. 0-3-4), T=184/28-0-0 (min. 0-3-4), S=172/28-0-0 (min. 0-3-4), R=185/28-0-0 (min. 0-3-4), Q=134/28-0-0 (min. 0-3-4), P=284/28-0-0 (min. 0-3-4), V=184/28-0-0 (min. 0-3-4), W=172/28-0-0 (min. 0-3-4), X=186/28-0-0 (min. 0-3-4), Y=134/28-0-0 (min. 0-3-4), Z=284/28-0-0 (min. 0-3-4)  
 Max Horz B=53(LC 8)  
 Max Uplift B=-75(LC 6), N=-81(LC 7), T=-28(LC 8), S=-28(LC 6), R=-26(LC 8), Q=-31(LC 6), P=-26(LC 7), V=-28(LC 9), W=-28(LC 7), X=-26(LC 9), Y=-31(LC 7), Z=-26(LC 6)  
 Max Grav B=381(LC 12), N=381(LC 12), U=158(LC 1), T=246(LC 2), S=230(LC 2), R=215(LC 2), Q=134(LC 1), P=285(LC 2), V=246(LC 3), W=230(LC 3), X=215(LC 3), Y=134(LC 1), Z=285(LC 3)

**FORCES (lb) - Maximum Compression/Maximum Tension**  
 TOP CHORD A-B=0/74, B-C=-55/33, C-D=-38/46, D-E=-28/65, E-F=-38/96, F-G=-38/127, G-H=-42/157, H-I=-42/157, I-J=-38/127, J-K=-38/96, K-L=-28/65, L-M=-38/38, M-N=-55/33, N-O=0/74  
 BOT CHORD B-P=0/77, P-Q=0/77, Q-R=0/77, R-S=0/77, S-T=0/77, T-U=0/77, U-V=0/77, V-W=0/77, W-X=0/77, X-Y=0/77, Y-Z=0/77, N-Z=0/77  
 WEBS H-U=-118/0, G-T=-205/80, F-S=-191/80, E-R=-172/82, D-Q=-104/68, C-P=-220/113, I-V=-205/80, J-W=-191/80, K-X=-172/82, L-Y=-104/68, M-Z=-220/113

- NOTES**
- 1) Wind: ASCE 7-05; 90mph; TCDL=4.2psf; BCDL=6.0psf; h=25ft; Cat. II; Exp B; partially; MWFRS (low-rise) and C-C Exterior(2) zone; C-C for members and forces & MWFRS for reactions shown; Lumber DOL=1.60 plate grip DOL=1.60
  - 2) Truss designed for wind loads in the plane of the truss only. For studs exposed to wind (normal to the face), see Standard Industry Gable End Details as applicable, or consult qualified building designer as per ANSI/TPI 1.
  - 3) TCLL: ASCE 7-05; Pg= 35.0 psf (ground snow); Pf=26.9 psf (flat roof snow); Category II; Exp B; Partially Exp.; Ct=1.1
  - 4) Unbalanced snow loads have been considered for this design.
  - 5) This truss has been designed for greater of min roof live load of 20.0 psf or 2.00 times flat roof load of 26.9 psf on overhangs non-concurrent with other live loads.
  - 6) All plates are 1.5x4 MT20 unless otherwise indicated.
  - 7) Gable requires continuous bottom chord bearing.
  - 8) Gable studs spaced at 2-0-0 oc.
  - 9) This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
  - 10) \* This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3-6-0 tall by 2-0-0 wide will fit between the bottom chord and any other members.
  - 11) Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 75 lb uplift at joint B, 81 lb uplift at joint N, 28 lb uplift at joint T, 28 lb uplift at joint S, 26 lb uplift at joint R, 31 lb uplift at joint Q, 28 lb uplift at joint P, 28 lb uplift at joint V, 28 lb uplift at joint W, 26 lb uplift at joint X, 31 lb uplift at joint Y and 26 lb uplift at joint Z.
  - 12) This truss is designed in accordance with the 2009 International Building Code section 2308.1 and referenced standard ANSI/TPI 1.
  - 13) "Semi-rigid pitchbreaks with fixed heels" Member end fixity model was used in the analysis and design of this truss.



LOAD CASE/S - Standard

**MICHIGAN UNIFORM ENERGY CODE COMPLIANCE FORM**

Part 10 of the State Construction Code  
R 408.31061 ET.SEQ

JOB

ADDRESS 8754 Coleman Road MUNICIPALITY Meridian Twp  
BUILDER Gabe Blosser SUBMITTED BY Gabe Blosser  
BUSINESS PHONE 517-339-9897

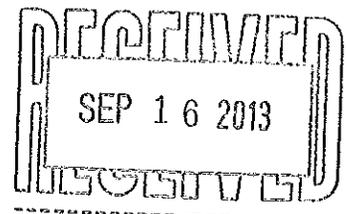
Check Method of Compliance: Prescriptive X Systems Approach \_\_\_\_\_

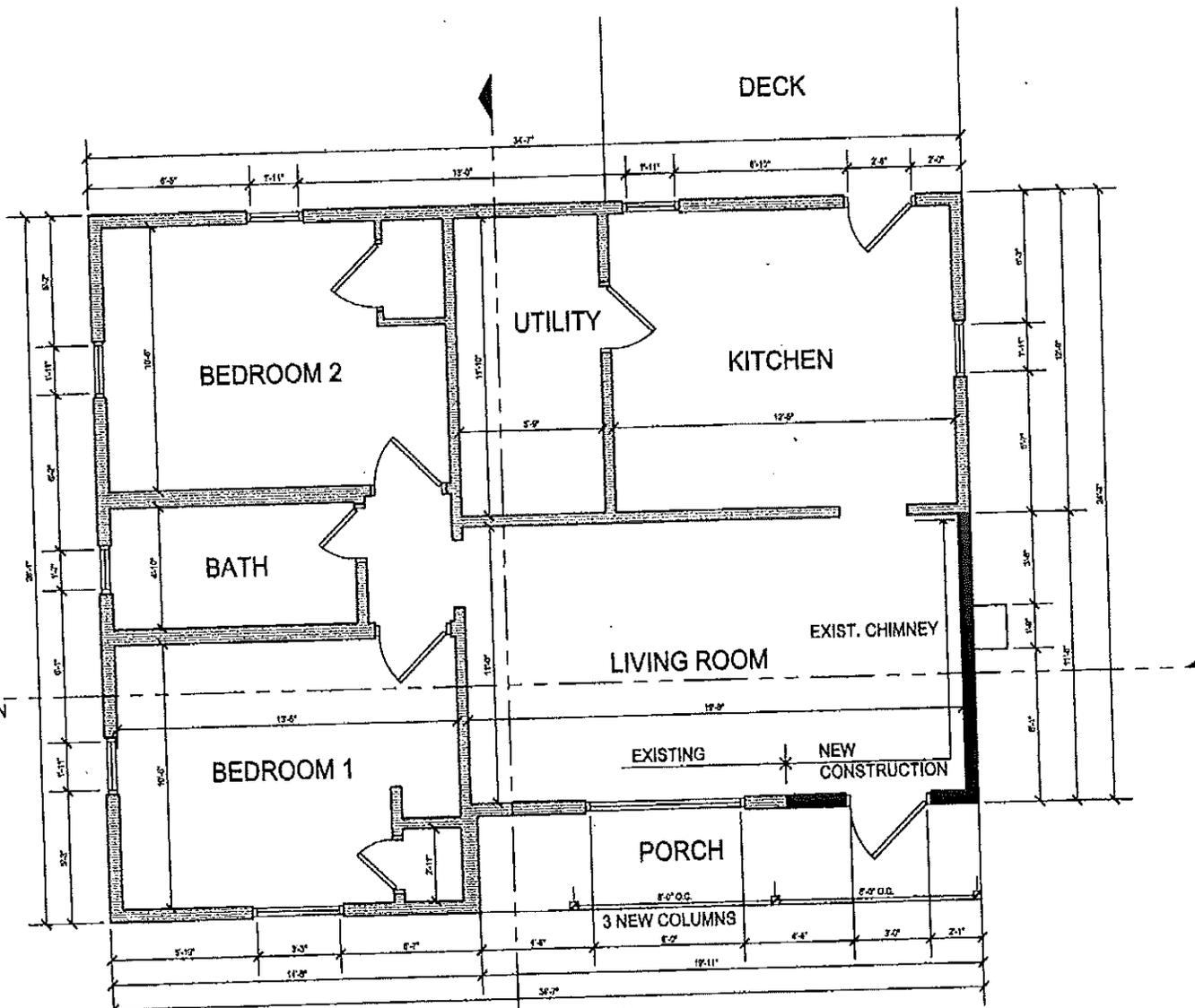
NOTE: Systems Approach method requires an energy analysis comparison report (ARF 1086.3)

1. Gross area of exterior walls in square feet 1170 sq. ft.
2. Square feet of fenestration openings 97 sq. ft.
3. Percent of fenestration exterior wall opening 8.3 %
4. If fenestration openings exceed 20% of gross exterior wall area, indicate the specific trade-off option that will be used for compliance (R408.31083) not applicable
5. Indicate the percentage of exposed basement wall area (sq. ft. of exposed basement wall divided by sq. ft. of gross area of exterior wall). no basement
6. Indicate the "R" value and type of insulation proposed for use on basement walls to bring exposure down to 7% of the gross area of exterior walls. (R408.31081)
7. Attach documentation for certified or labeled "R" values of all pre-manufactured fenestration products including windows, doors and skylights. (R408.31071)
8. Indicate the proposed insulation "R" value for each component  
Walls 20 Slab on grade floors 10 Floors over unconditioned space NA  
(R408.31074) (408.31078) (R408.31077)  
Ceiling/roof 38 Crawl space walls NA  
(R408.31076) (R408.31079)
9. I agree that at the time of inspection, the insulation installer shall provide a certificate for any blown-in or sprayed insulation that lists the following information:  
a. The initial thickness                      c. The coverage area  
b. The settled thickness                     d. The number of bags used

SIGNATURE/DATE

Gabe Blosser 3/3/13





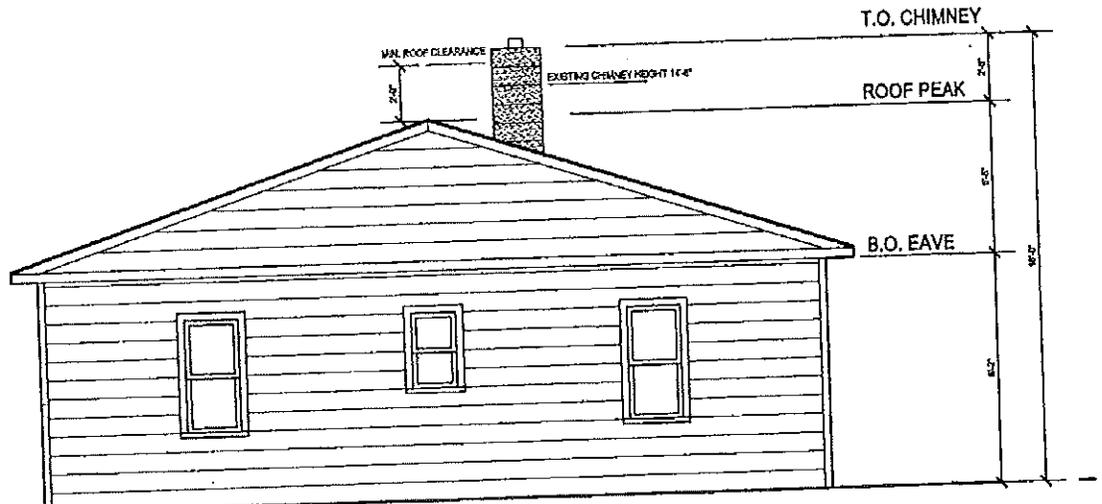
N.S. SECTION  
(EL-03)

**FLOOR PLAN**  
 0 5 10  
 SCALE: 1/8" = 1'-0"

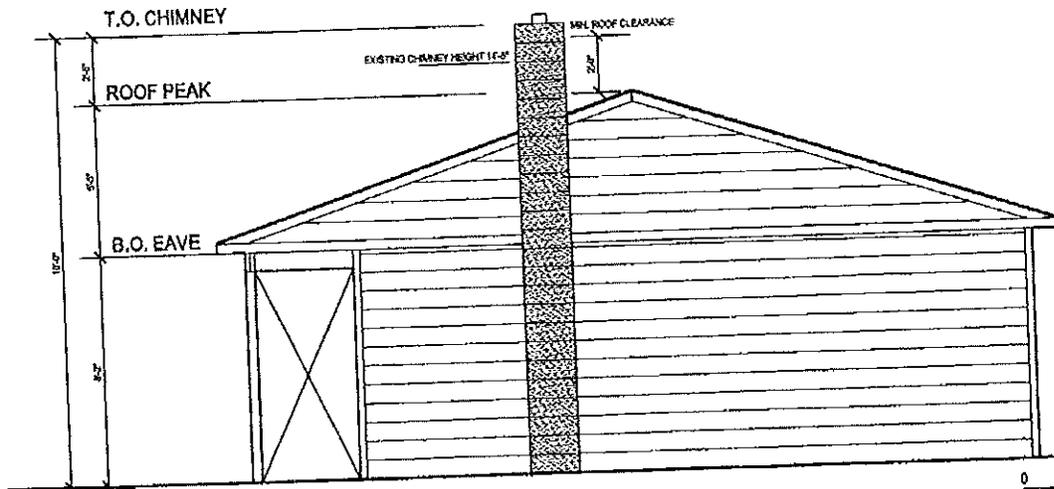
E.W. SECTION  
(EL-03)

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 SEP 16 2013  
 15051750

**NORTH ELEVATION**



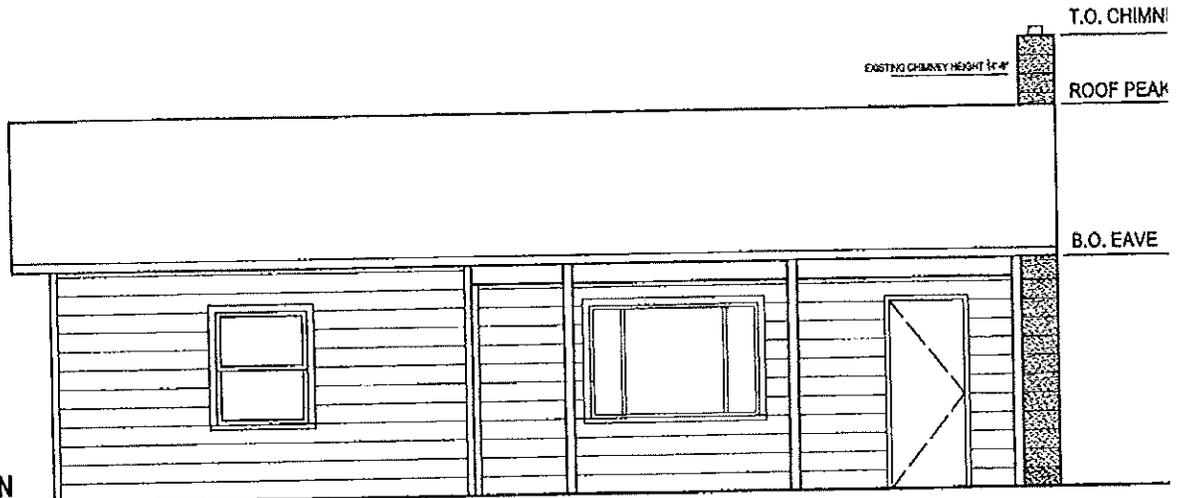
**T.O. CHIMNEY**



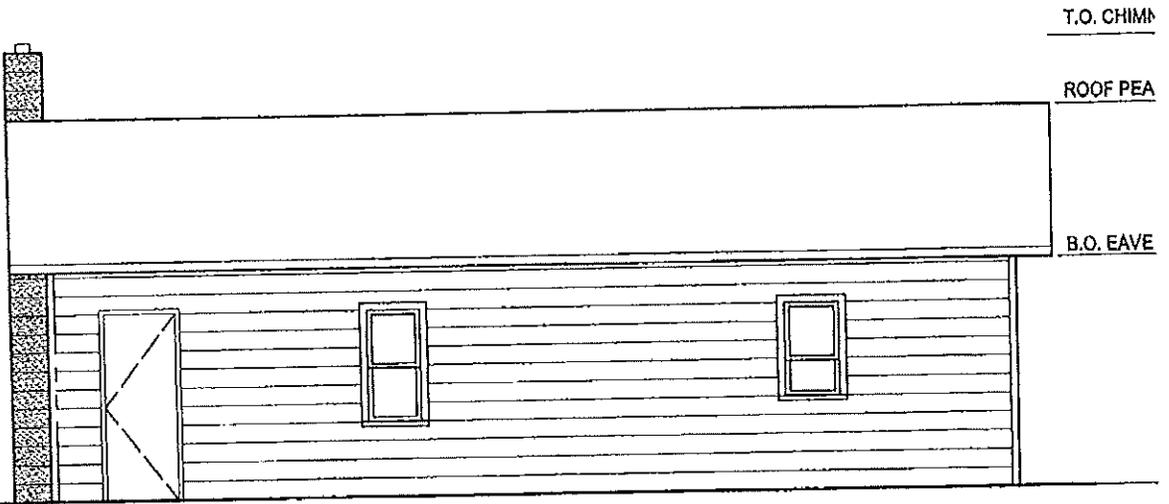
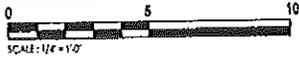
**SOUTH ELEVATION**



**RECEIVED**  
SEP 16 2013  
**RESOLUTION**



**WEST (FRONT) ELEVATION**

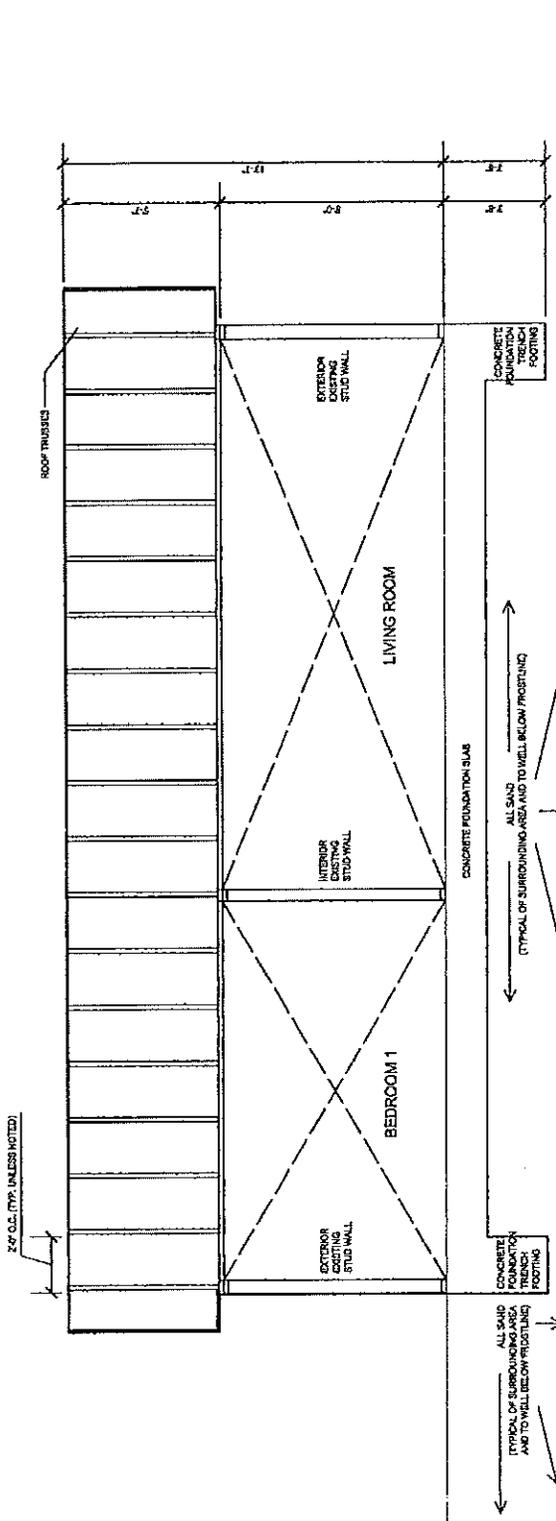


**EAST ELEVATION**

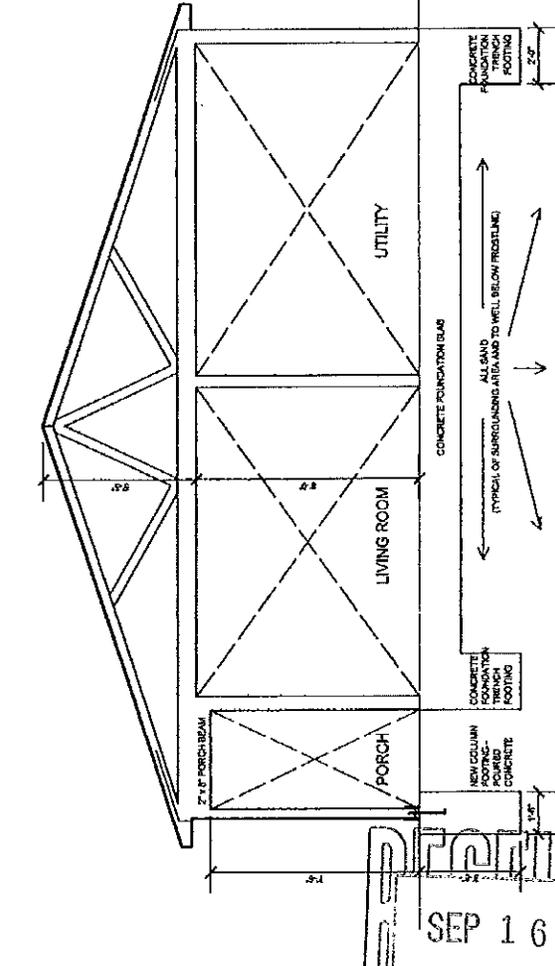
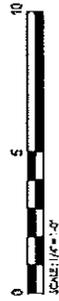


**RECEIVED**  
 SEP 16 2013  
**RESOLVED**

Notes



N.S. SECTION



E.W. SECTION



Owner

Coba Blosser  
 9349 Cobbleton Road  
 Halesitt, MI 48840  
 517 339 9877 ph

Project title

**Blosser Rental  
 Repair**

8754 Coleman Rd  
 Halesitt, MI 48840

Sheet title

Sections

DO NOT SCALE DRAWINGS  
 USE DIMENSIONS SHOWN ONLY

Project number  
**0001**

Approved NGJ

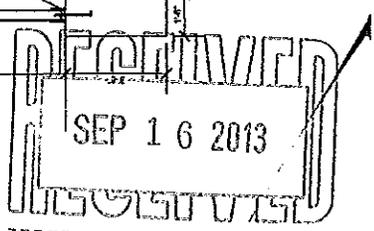
Issued date

ADDENDUM #1 02-25-13

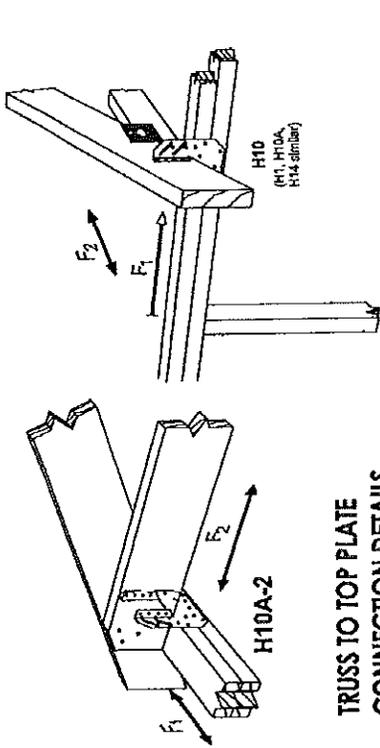
ADDENDUM #2 06-28-13

Sheet number

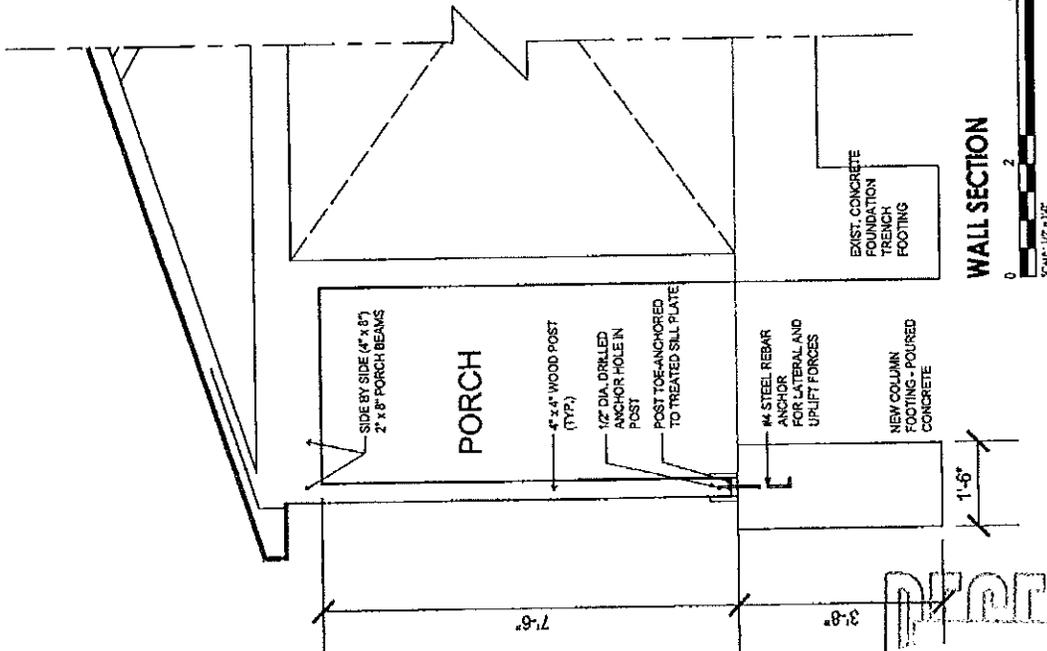
**EL-04**



Notes



TRUSS TO TOP PLATE CONNECTION DETAILS



RECEIVED  
SEP 16 2013

Owner

Gabe Blosser  
9349 Coleman Road  
Haslett, MI, 48840  
517 339 8997 ph

Project title

Blosser Rental  
Repair

8754 Coleman Rd.  
Haslett, MI 48840

Sheet title

Details

DO NOT SCALE DRAWINGS USE DIMENSIONS ONLY

Project number

0001

Approved NGJ

Issued date

02-25-13

Appendix #1

06-28-13

Appendix #2

Sheet number

EL-05

Joan Lauren Allman Blosser  
9349 Coleman Rd.  
Haslett, MI 48840

74-52-724  
Eaton's First Direct Fund  
Payable to Order

6209

7/26 2013

PAY to Charter Township of Meridian \$ 150.00  
the order of One Hundred Fifty Dollars + 00/100 DOLLARS

FIRSTMERIT  
FLINT, MI 48502  
WWW.FIRSTMERIT.COM

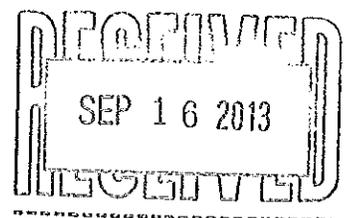
for 8754 Coleman Rd  
Bldg Permit Fee

*J. Blosser*

⑆072400528⑆ 6209⑈

RECEIVED  
SEP 16 2013  
RECEIVED

# Exhibit B



# CHARTER TOWNSHIP OF MERIDIAN

Elizabeth Ann LeGoff    Supervisor  
Brett Dreyfus            Clerk  
Julie Brixie              Treasurer  
Frank L. Walsh          Manager



Milton L. Scales        Trustee  
Ronald J. Styka        Trustee  
John Veenstra          Trustee  
Angela Wilson          Trustee

July 31, 2013

Joan (Laurie) Blosser  
9349 Coleman Road  
Haslett, mi 48840

**RE:    8752 Coleman Road  
       Building Permit Application**

Dear Ms. Blosser:

This letter is in regards to the building permit application submitted to the Township on July 26, 2013 to repair the fire damage to the house at 8752 Coleman Road. The zoning of the property is RR (Rural Residential) which allows for single family dwellings. Section 86-368 of the Code of Ordinances states a single family dwelling is a use permitted by right in the RR zoning district provided there shall not be more than one dwelling unit upon each lot. There are currently two other houses (8730 and 8754 Coleman Road) located on this property (33-02-02-02-226-003.) Having more than one dwelling on the property is a violation of the Code of Ordinances. Section 86-619 of the Code of Ordinances deals with the nonconforming use of structures and land and per Section 86-619(6) states:

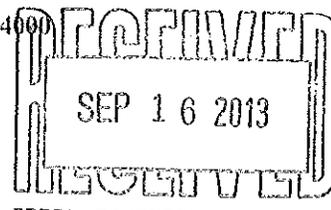
*If a structure or structure and land in combination devoted to a nonconforming use is removed or destroyed the nonconforming use shall not be reestablished and the land shall be used in conformance with this chapter.*

You indicated in your letter of July 26, 2013 you were entitled to repair the house because it was less than 50 percent of the replacement cost of the house per Section 86-618(3) of the Code of Ordinances, this section however is not applicable as it is the use of the land with the three structures that is nonconforming. Section 86-620(a) deals with the repair and maintenance of a structure devoted to nonconforming use. This section of the Code of Ordinances limits repairs to correcting deterioration, wear or replacement of nonbearing walls which is not the case in this situation. Since the ordinance does not allow for the nonconforming use to be reestablished the building permit application to repair the house cannot be approved.

A person aggrieved by the decision of the Director of Community Planning and Development may appeal the decision to the Zoning Board of Appeals by filing a notice of appeal and a fee of

5151 MARSH ROAD, OKEMOS, MICHIGAN 48864-1198 (517) 853-4000

[www.meridian.mi.us](http://www.meridian.mi.us)



Ms. Blosser  
Coleman Road  
July 31, 2013

\$200.00. A notice of appeal is a written statement specifying the grounds for appeal, the date of the decision, and supporting materials related to the decision. A notice of appeal must be filed with the Department of Community Planning and Development within ten days of the date of the decision of the Director of Community Planning and Development. For this case it is ten days from the date of the letter.

If you have any questions regarding this matter, please contact me.

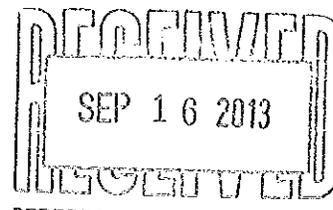
Sincerely,

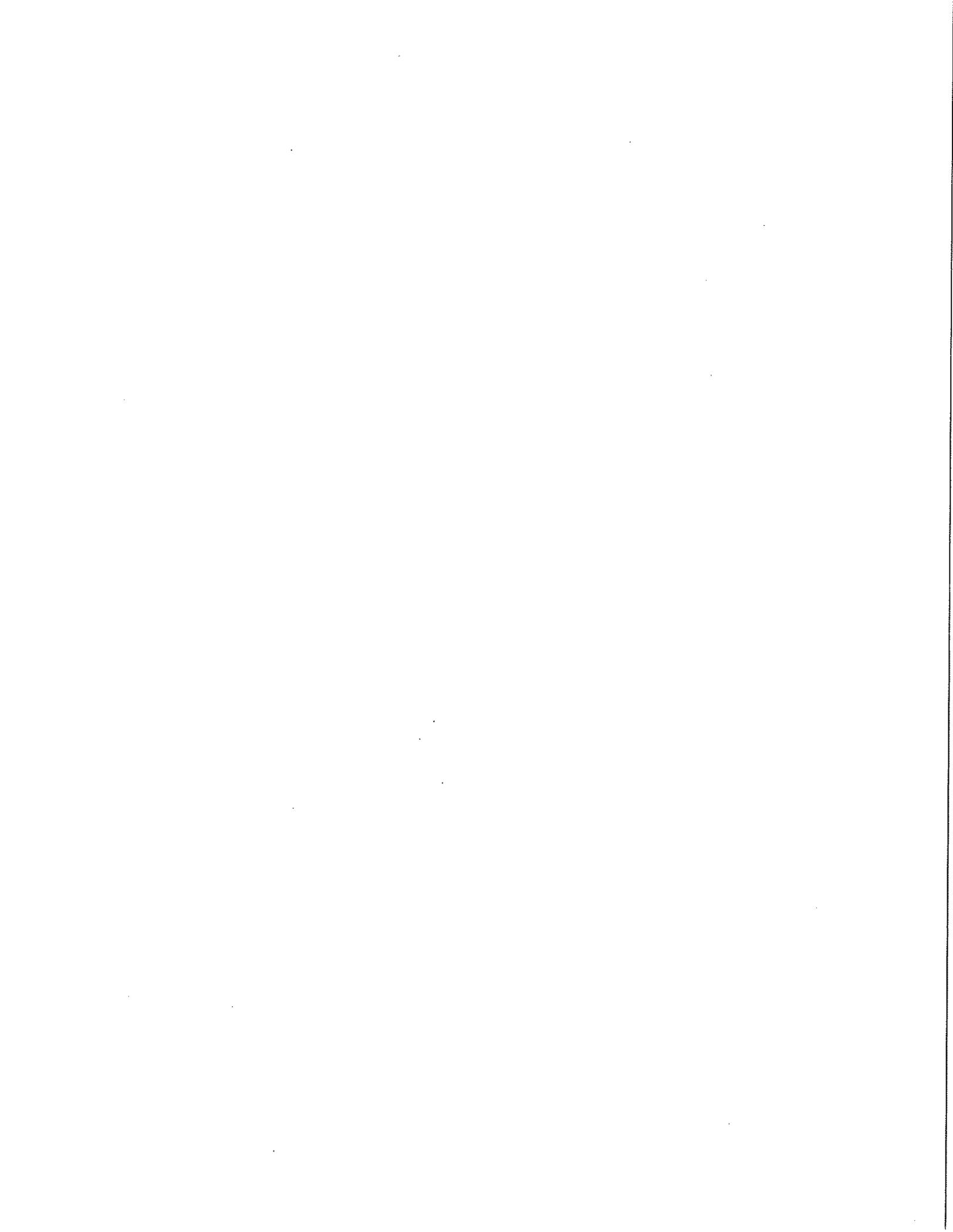


Mark Kieselbach (517) 853-4506  
Director of Community Planning and Development

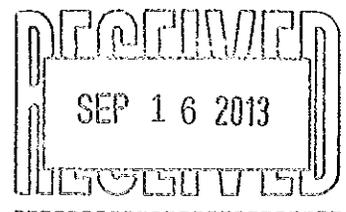
Cc: Frank Walsh  
Andria Ditschman

G:\Community Planning & Development\Planning\Caro\Mark\Letters\Blosser 8752 Coleman 2.docx





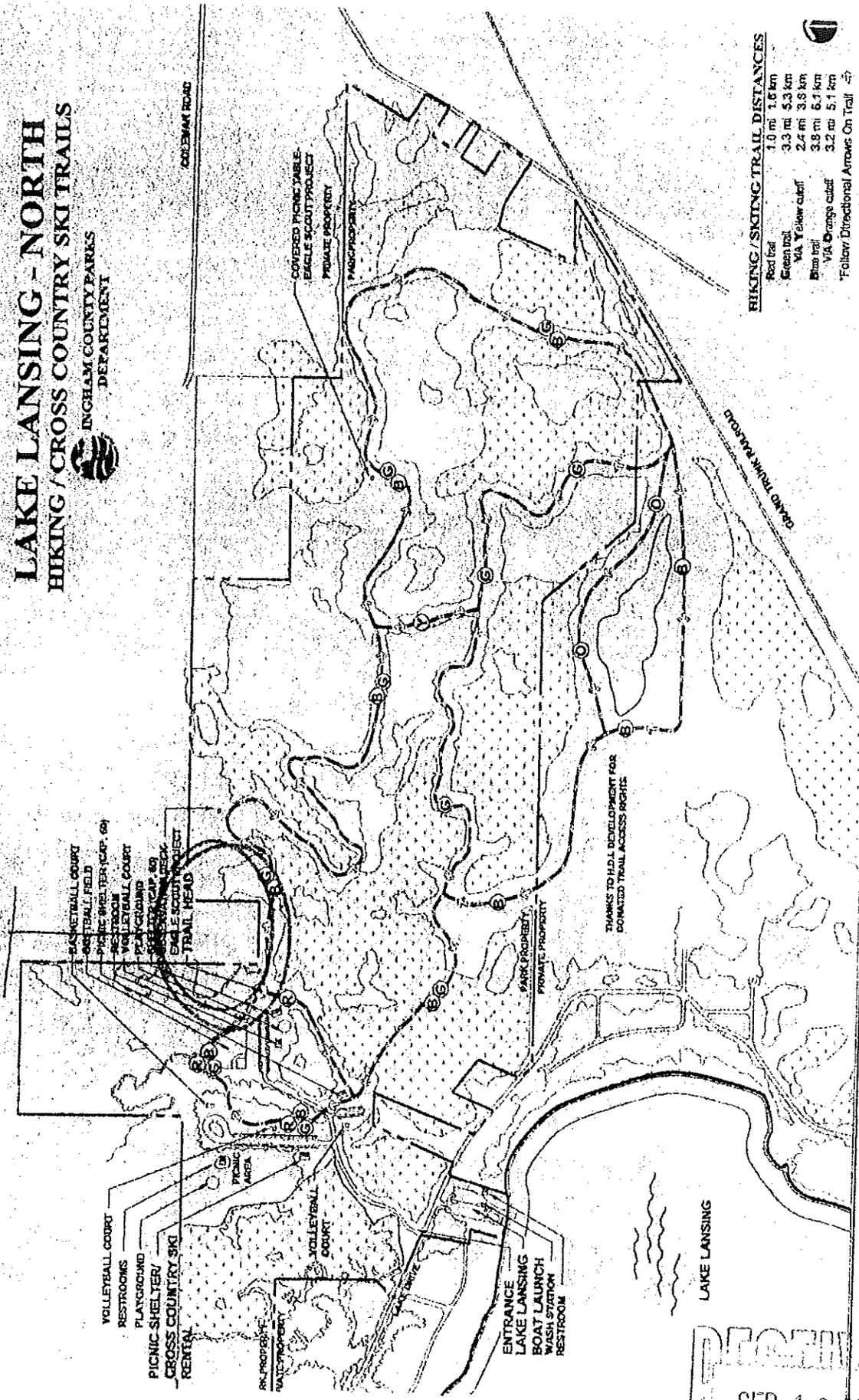
# Exhibit C



# LAKE LANSING - NORTH

## HIKING / CROSS COUNTRY SKI TRAILS

INGHAM COUNTY PARKS  
DEPARTMENT



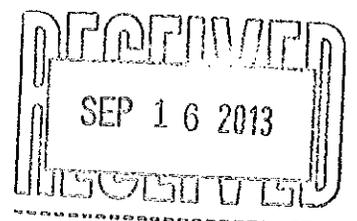
### HIKING / SKIING TRAIL DISTANCES

Red trail	1.0 mi	1.6 km
Green trail	3.3 mi	5.3 km
VIA Yellow cutoff	2.6 mi	3.8 km
Blue trail	3.8 mi	6.1 km
VIA Orange cutoff	3.2 mi	5.1 km

\*Follow Directional Arrows On Trail →

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SEP 16 2013  
RECEIVED

# Exhibit D



# THE HUBBARD LAW FIRM, P.C.

MICHAEL G. WOODWORTH  
DONALD B. LAWRENCE, JR.  
PETER A. TEHOLIZ  
ANDRIA M. DITSCHMAN  
KRISTIN D. ARNETT  
MATTHEW J. HEOS

5801 WEST MICHIGAN AVENUE  
P.O. BOX 80857  
LANSING, MICHIGAN 48908-0857  
TELEPHONE (517) 886-7176  
FACSIMILE (517) 886-1080

WWW.HUBBARDLAW.COM

HARRY D. HUBBARD (1895-1983)  
DONALD G. FOX (1910-1992)  
JONATHAN R. WHITE (1942-1996)  
ALLISON K. THOMAS (1914-2005)  
GEOFFREY H. SEIDLEIN (1954-2008)

June 18, 2013

Gabe & Joan Blosser  
9349 Coleman Rd.  
Haslett, MI 48840

**Re: 8754 Coleman Road**

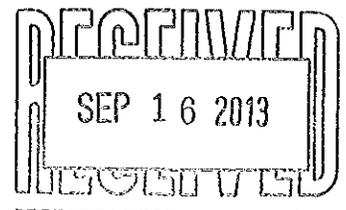
Dear Mr. and Mrs. Blosser:

I represent the Charter Township of Meridian and am writing to you regarding your most recent request to the Township Manager, Frank Walsh, for the Township to reconsider your request to repair the fire damage to the house at 8754 Coleman Road.

As stated in Mark Kieselbach's previous letters to you on August 17, 2012, January 17, 2013 and February 2, 2013, your property is considered a nonconforming use due to three dwellings being located on one property and, therefore, pursuant to the Township's Code of Ordinances' limitations on reestablishment of nonconforming uses, rebuilding the third house, is prohibited. This decision, which was made by Mark Kieselbach in writing on August 17, 2012, was appealable to the Zoning Board of Appeals, only until August 27, 2012. There is no exception to this time for an appeal.

As outlined in Mark Kieselbach's letter of February 7, 2013, which is attached, you may however, request to rebuild the dwelling by applying for a building permit, which would then start the process over and allow you another 10 days to appeal a denial made by Mark Kieselbach to the Zoning Board of Appeals. This requires you to submit the request to rebuild, including the request for a building permit, in writing along with the items listed below. The application will not be processed until it is complete which includes the permit fee described in 4 below:

1. Truss diagrams from the manufacturer including information on span, load and bracing.
2. Worksheet to show compliance with Michigan Uniform Energy Code.
3. Complete building drawings (2 sets) showing:
  - Wall sections
  - Header details
  - Footing details both existing and proposed including load bearing points.



- Complete floor plan showing the dimensions and use of each room labeled on the plan.
4. Permit fee based on the total cost of construction which includes all material, fixtures and equipment needed to make the structure habitable.

If your request is denied, then you will again have ten days from the date of the denial to submit a written statement specifying your grounds for an appeal, and supporting materials, along with the fee for an appeal of \$200.00 to the Department of Community Planning and Development.

In addition, you have the option of filing a request for an interpretation of the Nonconforming Uses and Structures of Land provisions of the Code of Ordinances to the Zoning Board of Appeals. Specifically, you may want to have the Board determine which section of the nonconforming provisions is applicable to your situation and what the term "destroyed" as used in 86-819(6) means. This process requires an application which is available at the Department of Community and Development and an application fee of \$450.00. If the Zoning Board of Appeals were to interpret the ordinance in your favor then you would need to apply for a building permit.

This is the Township's final direction on this matter unless or until you refile as explained above.

Sincerely,

THE HUBBARD LAW FIRM, P.C

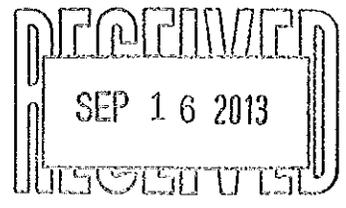
*Andria M. Ditschman*

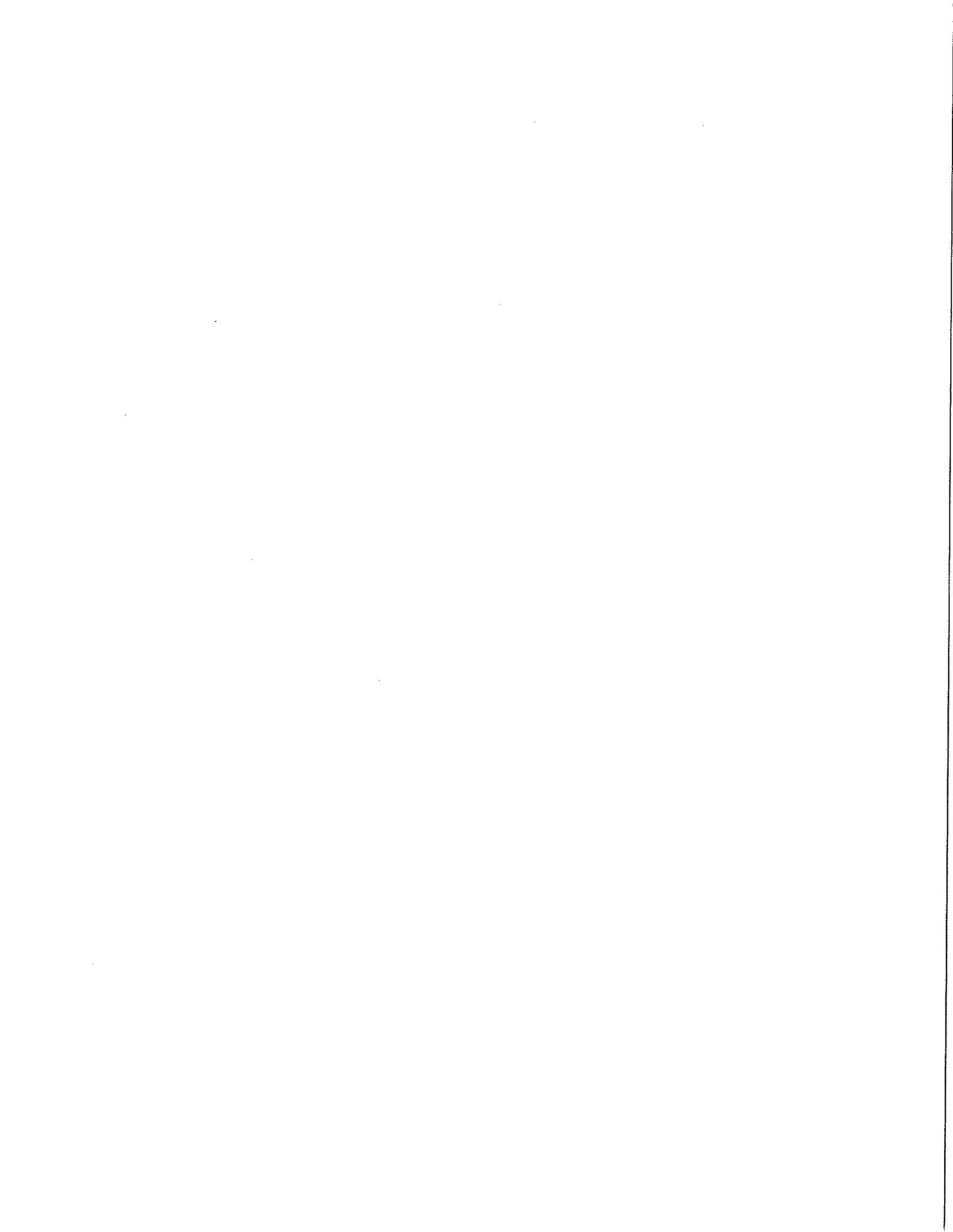
Andria M. Ditschman *jp*

AMD/jp  
Enclosure

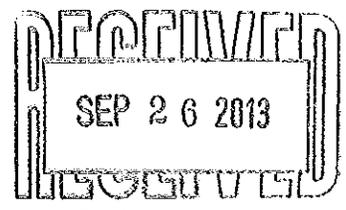
cc/w/encl: Frank Walsh, Township Manager  
Mark Kieselbach, Director of Community Planning and Development

W:\Meridian Township 13547\GENERAL- 0001\2013 Correspondence\20130614 Ltr to Blosser.docx





# Exhibit E

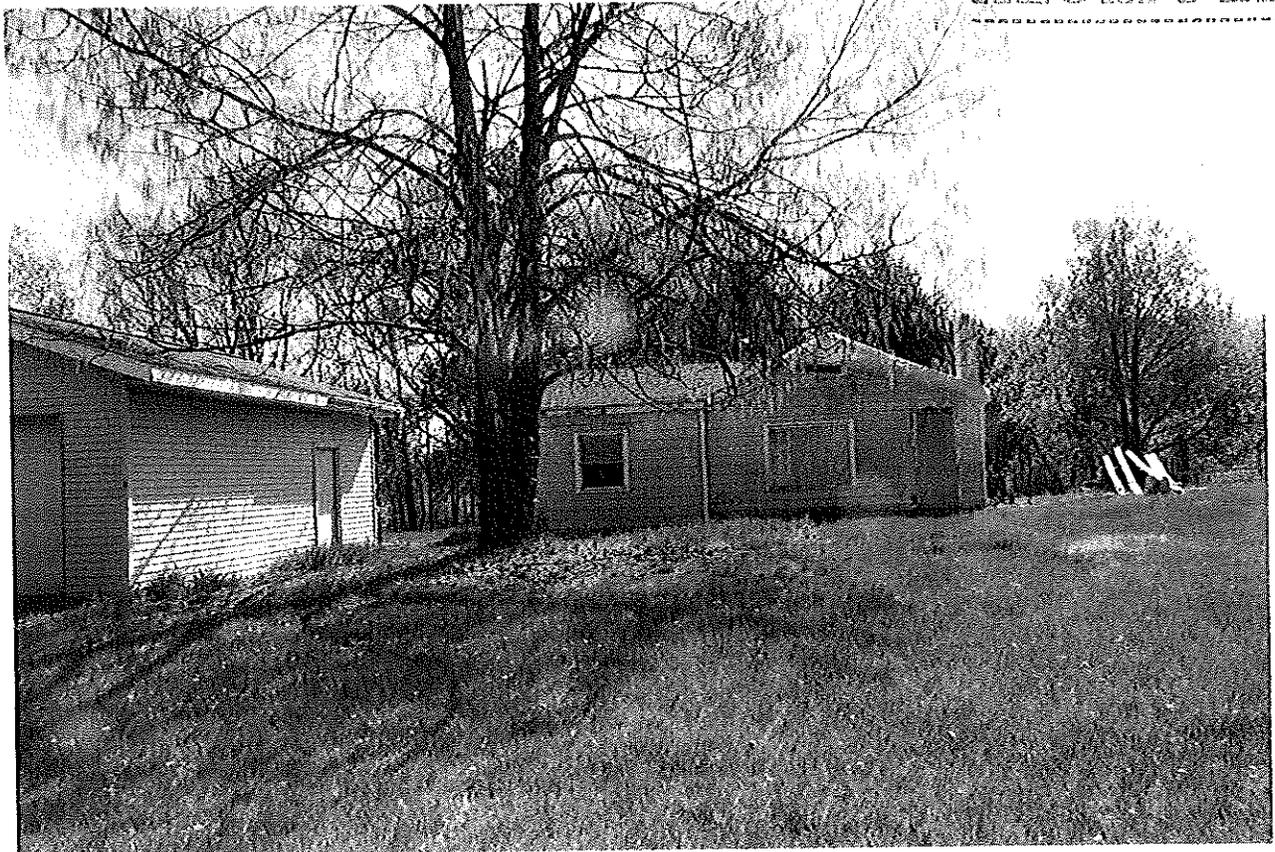






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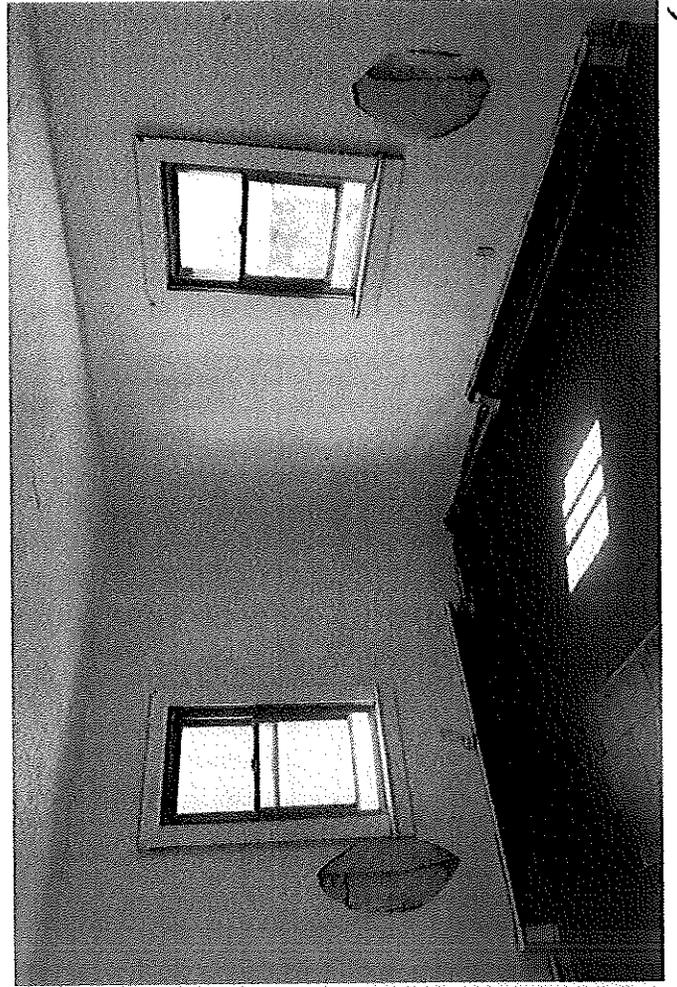
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SEP 26 2013  
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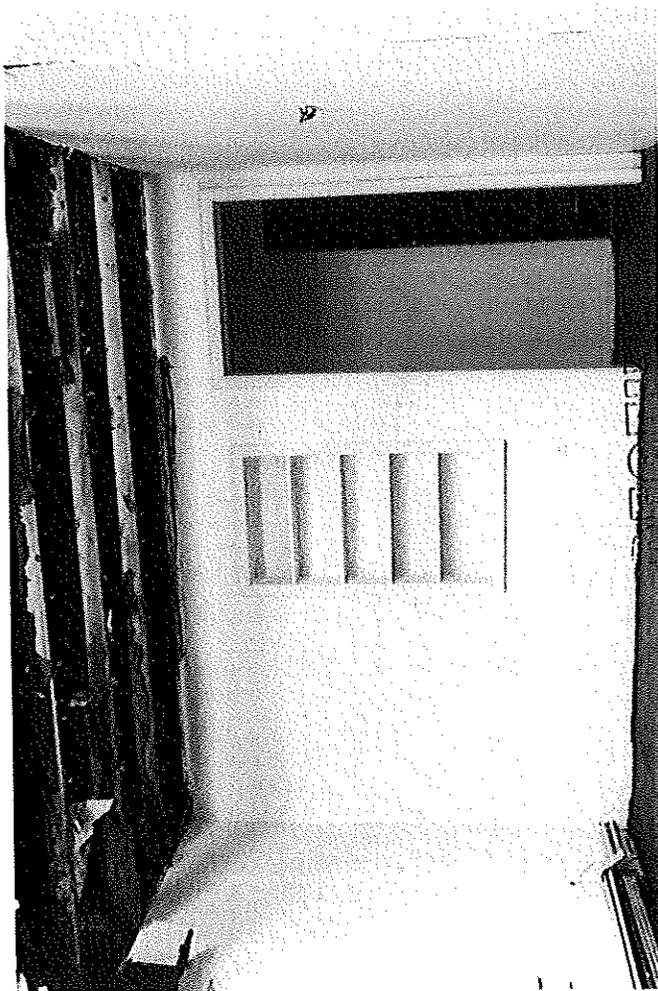
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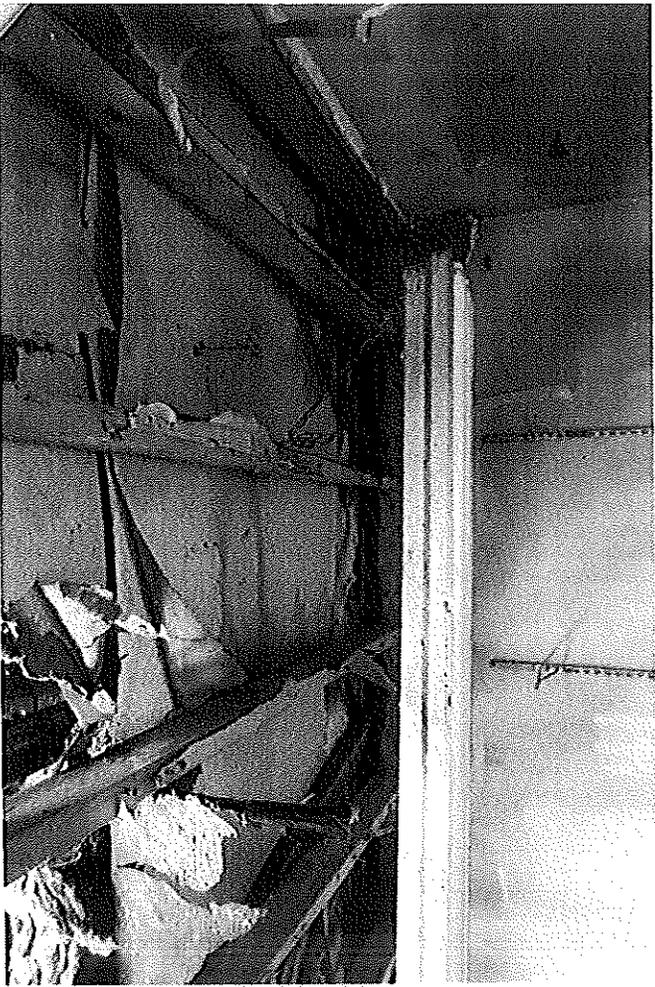


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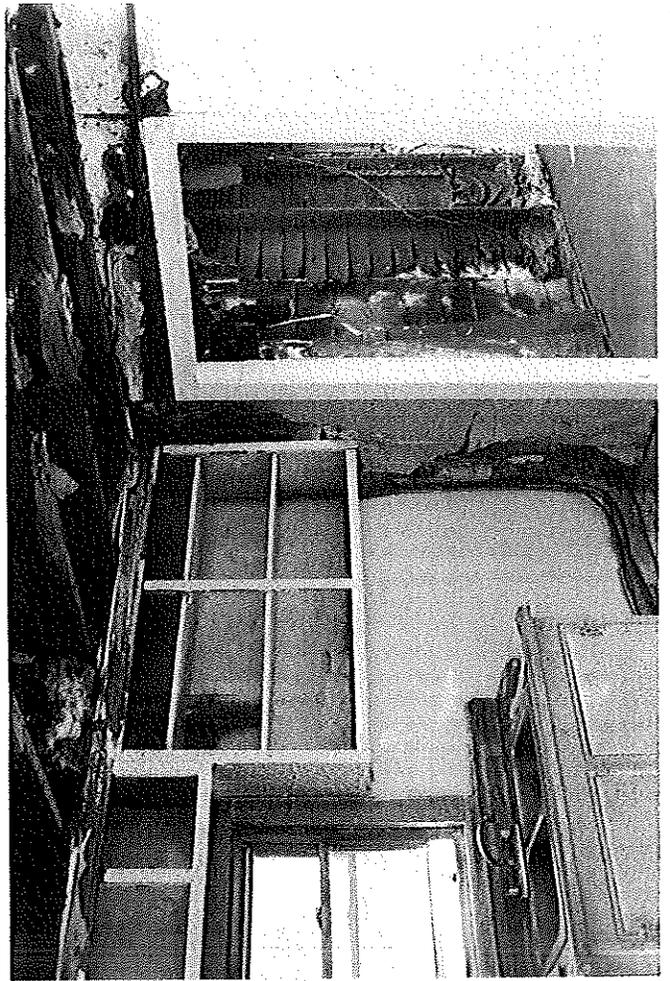
SEP 26 2013



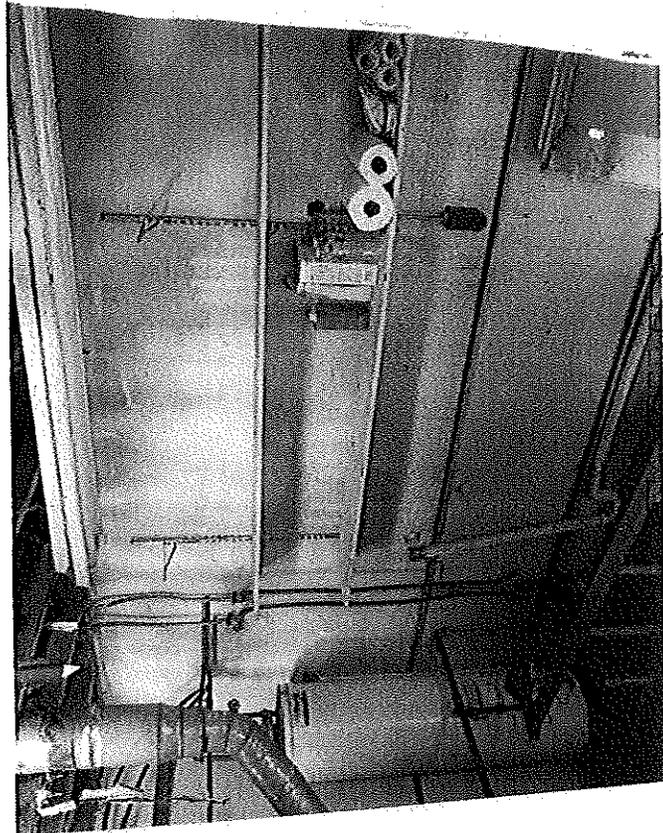
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6



7



7

SEP 26 2013



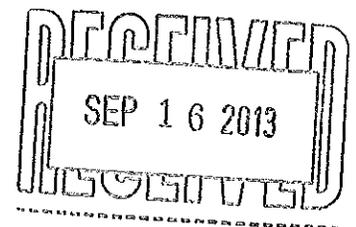
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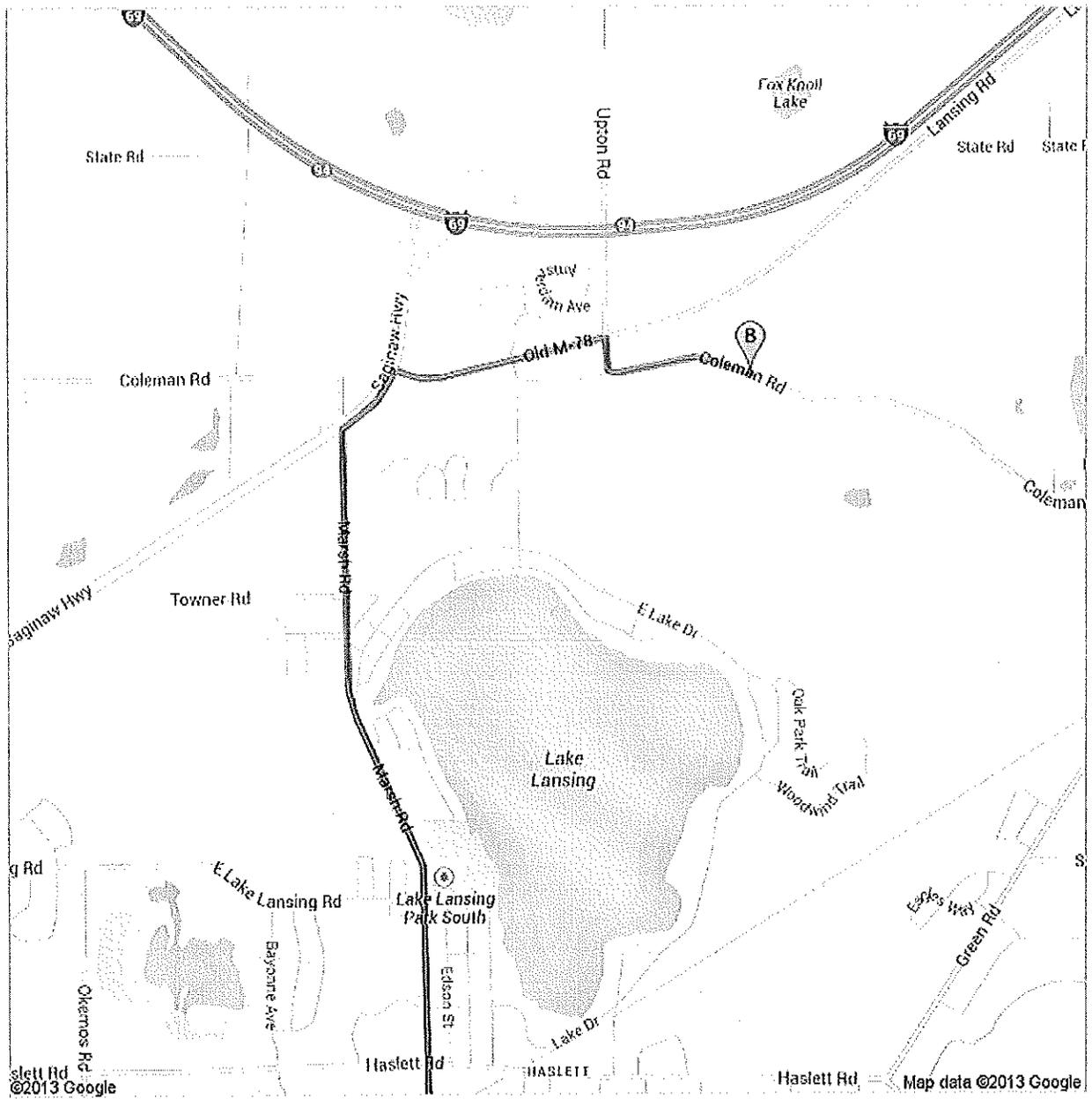
RECEIVED

# Exhibit F



Google

Directions to 8754 Coleman Rd, Bath Township, MI 48840  
3.7 mi – about 8 mins



RECEIVED  
SEP 16 2013  
RECEIVED

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

VARIANCE APPLICATION

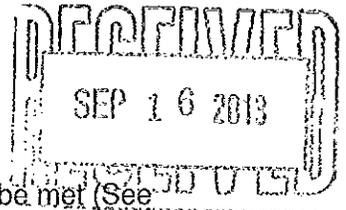
A. Applicant Joan Lauren Allman Blosser  
Address of Applicant 9349 Coleman Rd.  
Haslett, MI  
Telephone (Work) 517-364-4610 Telephone (Home) 517-339-9897  
Fax \_\_\_\_\_ Email address: \_\_\_\_\_  
Interest in property (circle one): Owner Tenant Option Other

B. Site address/location 8754 Coleman Rd  
Zoning district RA Parcel number 33-02-02-02-226-003

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) 86-618, 86-619

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)



Joan Lauren Allman Blosser Joan Lauren A. Blosser 9/16/13  
Signature of Applicant Print Name Date

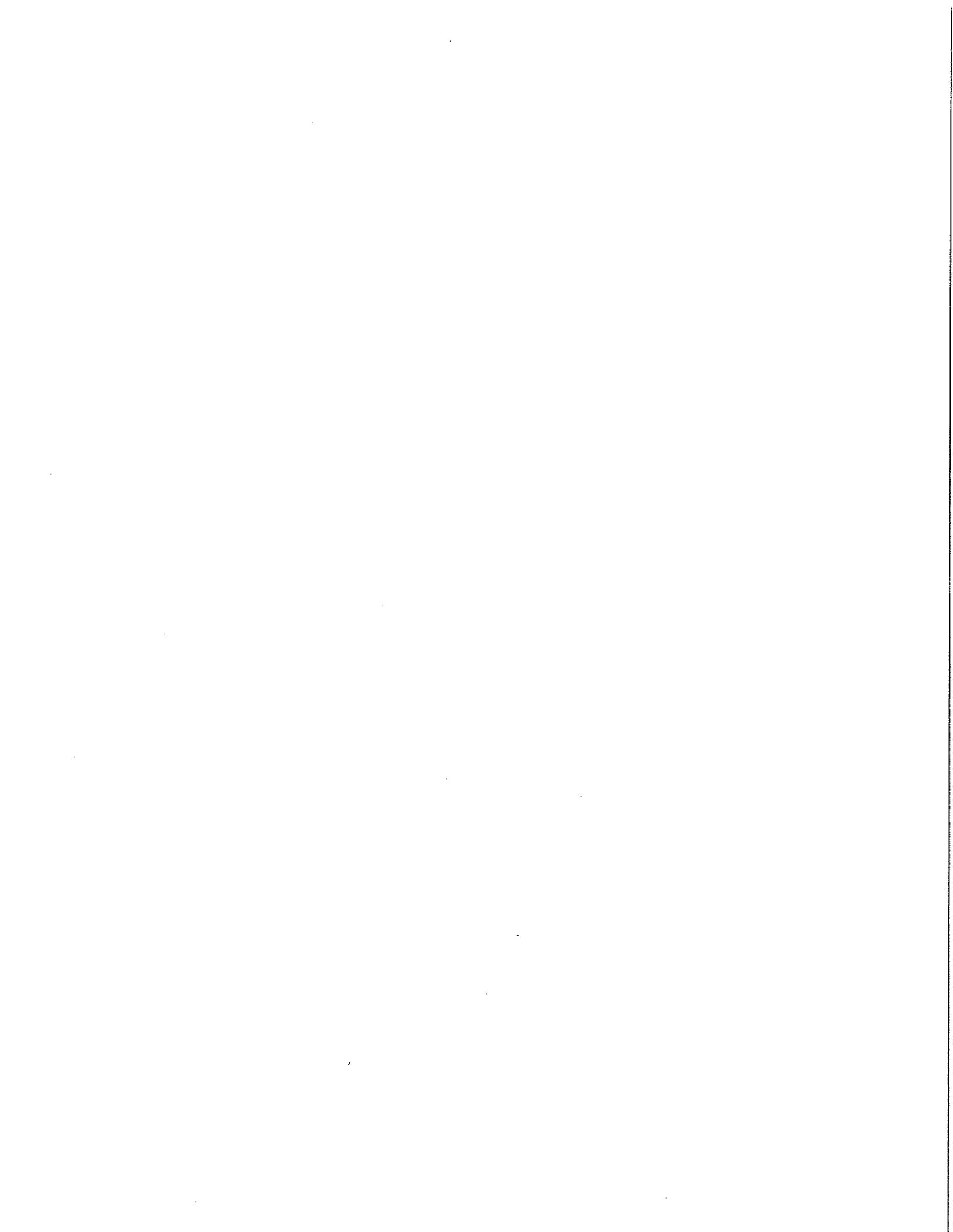
Fee: paid - 8/9/13 Received by/Date: 9/16/13 Martha Wyatt

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.)

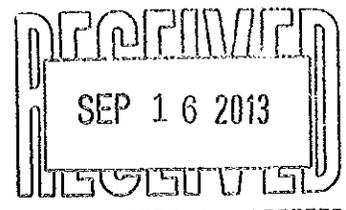
Joan Lauren Allman Blosser 9/16/13  
Signature of Applicant(s) Date

\_\_\_\_\_  
Signature of Applicant(s) Date

Only granting Martha Wyatt and Zoning Board of Appeal Members members. I must be present for inspection,  
Joan L. Blosser. 517-339-9897, Cell 517-896-2400  
WK 364-4610



# Exhibit G



# Auto-Owners

INSURANCE COMPANY  
6101 ANACAPRI BLVD., LANSING, MI 48917-3999

## DWELLING FIRE POLICY DECLARATIONS

Renewal Effective 03-06-2012

AGENCY FINANCIAL SERVICES CENTER INC  
01-0427-00 F Mkt Terr 102 (517) 351-2400

### POLICY NUMBER

INSURED GABE F BLOSSER  
JOAN L ALLEMAN-BLOSSER

Company Use 06-51-MI-8903

ADDRESS 9349 COLEMAN RD  
HASLETT MI 48840-9319

Company Bill	POLICY TERM	
	12:01 a.m.	12:01 a.m.
	to	
	03-06-2012	03-06-2013

In consideration of payment of the premium shown below, this policy is renewed. Please attach this Declarations and attachments to your policy. If you have any questions, please consult with your agent.

TOTAL POLICY PREMIUM	TERM
PAID IN FULL DISCOUNT	\$1,264.27
TOTAL POLICY PREMIUM IF PAID IN FULL	-62.72
	\$1,191.55

The Paid In Full Discount is based on favorable loss experience for the collective group of policyholders who choose to pay their premiums in full directly to the company.

THIS POLICY IS EXEMPT FROM THE FILING REQUIREMENTS OF SECTION 2236 OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.2236.

### LOCATION 001

### SPECIAL FORM POLICY

Location: 8752 COLEMAN RD HASLETT MI 48840-9318

### PRIMARY PROPERTY AND LIABILITY COVERAGES

	LIMITS	PREMIUM
A Dwelling	\$64,500	Included
B Other Structures		
All Other Structures (Unless Specifically Excluded)	6,450	Included
D Loss of Rents	6,450	Included
F Landlord Liability (each occurrence)		
Entity Type: Individual	300,000	Included
G Medical Payments to Others (each person/each occurrence)	1,000	Included
Property Deductible		
\$500 - All Peril Deductible		

### COVERAGES INCLUDED IN YOUR POLICY

Property Coverage Limitation for Fungi, Wet Rot, Dry Rot and Bacteria resulting from a covered cause of loss	\$10,000	Included
Adjusted Value		Included
TERRORISM - CERTIFIED ACTS	SEE FORM 59351	Excluded
TERRORISM COVERAGE		

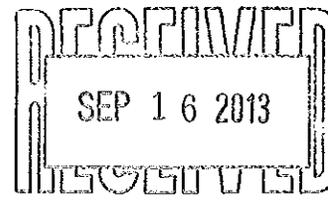
A premium charge may be made effective 01-01-2015.  
See Forms 15243, 59392

TOTAL PREMIUM BEFORE ADJUSTMENTS \$722.00

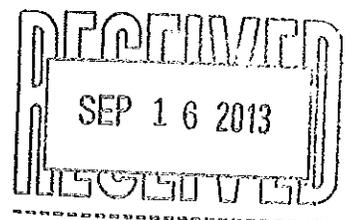
### PREMIUM ADJUSTMENTS THAT APPLY

Property Deductible  
\$500 - All Peril Deductible

Dwelling/Auto Multi-Policy Discount  
Mature Discount - Policy Term Age 57  
Wood/Coal Heating Surcharge  
Paid In Full Discount is available  
Year of Construction Surcharge  
Insurance Score



# Exhibit H



**PROPOSAL**

No. 2101194437  
Date 7-16-13  
Sheet No. 071413

From Mainland Construction  
2090 Chaytown Rd.  
Vermontville MI 49096

**Proposal Submitted To:**

Name Gabe and Laurie Blosser  
Street 9349 Coleman Rd  
City Haskell  
State MI 48840  
Phone 517-339-9897

**Work To Be Performed At:**

Burned out house  
Street Coleman Rd  
City Okemos State MI  
Date of Plans to be decided  
Architect none needed

We hereby propose to furnish the materials and perform the labor necessary for the completion of

remove the existing, fire damaged, exterior walls from the house, approx. 10' back from the corner by the entrance door that faces the driveway. Remove the existing roof and ceiling from the house, rebuild the section of exterior walls using 2x4's and 7/16" OSB. Set premanufactured trusses on the existing walls and the new wall, nail down 1/2" OSB on the trusses, install a 3/8" fascia board on the overhang, install a vapor barrier on top of the OSB. Lay steel with a 40 yr. paint warranty over the vapor barrier, steel is to be fastened with screws. A ridge vent is to be installed on the peak. A 1' overhang is to be installed on all sides and ends with the exception of over the entry door, facing the driveway. The overhang over the entry door, towards the driveway, is to be in line with

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in substantial workmanlike manner for the sum of Dollars \$ 10,876.00

with payments to be made as follows: One payment of \$5000.00 when the job is started and one payment of \$5876.00 when this proposal is completed.

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Worker's Compensation and Public Liability Insurance on above work to be taken out by

Respectfully submitted Mainland Construction

Per \_\_\_\_\_

Note--This proposal may be withdrawn by us if not accepted within 30 days.

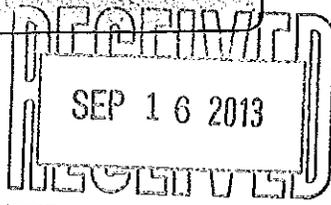
Mainland Construction

**ACCEPTANCE OF PROPOSAL**

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature \_\_\_\_\_

Date \_\_\_\_\_ Signature \_\_\_\_\_



# PROPOSAL

No. 2101194437  
 Date 7-16-13  
 Sheet No. 071413

From Mainland Construction  
2090 Shawtown Rd  
Vermentville MT 49096

### Proposal Submitted To:

Name Gabe and Laurie Blosser  
 Street \_\_\_\_\_  
 City \_\_\_\_\_  
 State \_\_\_\_\_  
 Phone \_\_\_\_\_

### Work To Be Performed At:

Burned out house  
 Street Coleman Rd  
 City Ohemias State MT  
 Date of Plans to be decided  
 Architect none needed

We hereby propose to furnish the materials and perform the labor necessary for the completion of  
the rest of the overhang on that side and the  
cable end overhang closest to the door. This quote  
does not include, any interior work of any kind,  
siding, windows, mechanical,  
plumbing, electrical, cement work, drywall or doors.  
This quote is only for the work specified above,  
contractor is not responsible for the footings.  
This work will be done as the contractors schedule  
and the weather allows.

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in substantial workmanlike manner for the sum of  
 Dollars \$10,876.00  
 with payments to be made as follows: one payment of \$5000.00 when the job  
is started and one payment of \$5,876.00  
when this proposal is completed.

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Worker's Compensation and Public Liability Insurance on above work to be taken out by

Respectfully submitted Mainland Construction  
 Per \_\_\_\_\_

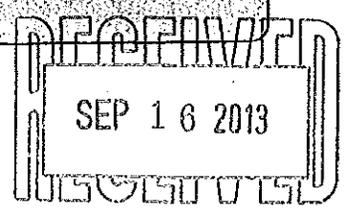
Note—This proposal may be withdrawn by us if not accepted within 30 days.

Mainland Construction

### ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature \_\_\_\_\_  
 Signature \_\_\_\_\_  
 Date \_\_\_\_\_





Ryan Company  
Mechanical & Electrical  
207 Bell St.  
Lansing, MI 48906  
(517) 482-0379

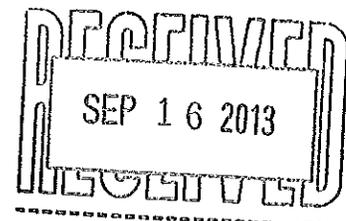
Proposal / Contract

Date	Estimate #
7/16/2013	12593

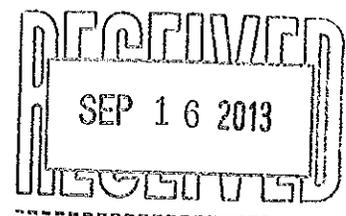
Name / Address	work to be performed at
Laurie Blosser 8754 Coleman Rd. Hastlet, MI 48840 Phone# 896-2400 Fax# 845-1961	

We Hereby Propose to furnish the materials and perform the labor necessary for the completion of the following:			Project
Description	Qty	Rate	Total
1. Replace fire damaged electrical system.		2,980.00	2,980.00
2. Permits and Fees.		180.00	180.00
NOTE: No patching or painting.		0.00	0.00

*Pat Ryan*



# Exhibit I





4100 Hunsaker Drive Suite D • East Lansing, MI 48823 • Office 517.339.FIRE or 888.317.FIRE • Fax 517.339.3575 or 888.317.3474

October 16, 2012

## SCOPE OF ESTIMATE

### Owners:

Joan & Gabe Blosser  
9349 Coleman Road  
Haslett MI 48840  
(517) 339-9897

### Job Site:

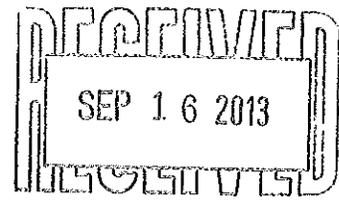
8754 Coleman Road  
Haslett MI 48840

Dear Joan,

The following is an estimate for the materials portion only at above Job Site. It includes:

- 1) Ten 28' span roof trusses with 12" overhangs at 24"o.c. with a 4/12 roof slope
- 2) One gable truss of same specs
- 3) 32 LF of 2"x 6" 16"o.c. eight foot tall wall
- 4) Vinyl siding on new walls and gable
- 5) Shingles over new portion of roof
- 6) R-40 blown in cellulose ceiling insulation, R-19 fiberglass wall insulation
- 7) ½" drywall for new interior ceilings and walls
- 8) One new exterior door
- 9) One new window

Let me know if you have any questions.



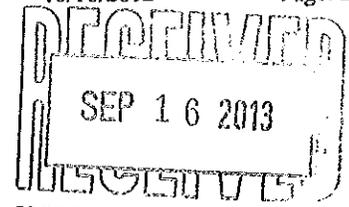
# McCardel Restoration LLC

4100 Hunsaker Ste D  
 East Lansing, MI 48823  
 517-339-FIRE  
 EIN: 27-3992560

Fax: 517-339-3575

## MATERIAL COMPONENTS

Code	Description	Quantity	@	Unit Price	Total
DORX	Exterior door - metal flush or 6 panel - pre-hung unit	1.00	EA @	178.278	178.28
DRY1/2	Gypsum board, 1/2"	1,177.50	SF @	0.243	286.13
DRYCBEAD	Metal corner bead	55.45	LF @	0.230	12.76*
DRYMUD	Drywall joint compound - 50 lb box	4.04	BX @	9.648	39.01*
DRYN	Drywall nails (based on 25 to 50 lb box)	2.63	LB @	1.480	3.90*
DRYSCREW	Drywall screws - grabber - (based on 25 to 50 lb box)	5.27	LB @	1.829	9.64
DRYTAPE	Perfotape - 500' roll	0.68	RL @	4.150	2.80*
FNCC	Casing - 2 1/4"	18.80	LF @	0.786	14.78
FNCSHIMS	Wood shims	0.21	BN @	4.774	1.00
FRM2X10	Fir/Larch, 2x10 #2 & better	7.38	LF @	1.001	7.39
FRM2X4	Fir/Larch, 2x4 #2 & better	191.98	LF @	0.337	64.70
FRM2X6	Fir/Larch, 2x6 #2 & better	135.16	LF @	0.552	74.60*
FRM2X6P	Fir/Larch, 2x6x16 #2 & better - plate material	101.23	LF @	0.594	60.13
FRM2X6S	Fir/Larch, 2x6x8 #2 & better - pre-cut stud	36.96	EA @	4.205	155.43*
FRMHCLIP	Framing H-clips (250 per box)	0.82	BX @	15.380	12.64*
FRMHTIE	Hurricane tie	20.01	EA @	0.780	15.60*
FRMSH1/2	Sheathing - plywood - 1/2" CDX	33.25	SH @	19.728	655.99*
FRMTR4	Truss - 4/12 slope	330.01	LF @	2.799	923.70
INSBI	Blown in insulation - Per 30 lb bag	16.63	BG @	29.950	498.00*
INSBT6	Insulation - R-19 "Kraft" faced batt	271.36	SF @	0.458	124.28
INSSTAPLE	3/8" Staples - 1000 count box	0.38	EA @	3.033	1.16*
MPRCLKST	Silicone caulk - 10 oz tube	0.44	TB @	5.178	2.30*
MPRWINFLSH	Window flashing - 300 ft roll	0.07	RL @	42.500	3.12*
NAIL1.25RF	1 1/4" roofing barbs, (based on 50 lb box)	14.00	LB @	1.390	19.46
NAIL10DJH	10d 1 1/2" joist hanger nails, 1 lb box, approx 150 count	1.54	LB @	3.235	5.00*
NAIL16D	16d nails for nail gun - 2000 count box	0.44	BX @	41.740	18.35*
NAIL6F	6d finish nails (based on 5 lb box)	0.15	LB @	2.153	0.33*
NAIL8D	8d smooth box nails, (based on 50 lb box)	16.64	LB @	0.962	16.01
NAIL8S	1/4" crown, 18 gauge staples for air gun, approx 5000 count	0.21	BX @	48.080	10.08*
RFG240	Composition shingles - 25 year - 3 tab	7.00	SQ @	82.040	574.29*
RFGFLT15	15 lb ASTM roofing felt	1.75	RL @	22.058	38.60
RFGNAILS2	Simplex roofing felt cap nails - (based on 50 lb box)	5.00	LB @	1.392	6.96
SCREW#10/2	Wood screw - #10 x 2", 1 lb box	0.21	BX @	6.318	1.33
SCREW#10/3	Wood screw - zinc plated - #10 x 3", 100 count box	0.11	BX @	8.524	0.89*
SDGSTRS	Siding - starter strip	61.47	LF @	0.440	27.05
SDGUSILL	Siding - undersill trim	71.85	LF @	0.450	32.33

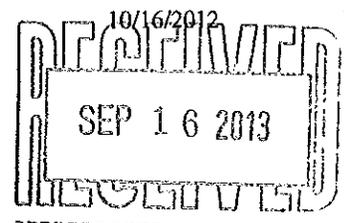


**McCardel Restoration LLC**

4100 Hunsaker Ste D      Fax: 517-339-3575  
East Lansing, MI 48823  
517-339-FIRE  
EIN: 27-3992560

**Continued - MATERIAL COMPONENTS**

<b>Code</b>	<b>Description</b>	<b>Quantity</b>	<b>@</b>	<b>Unit Price</b>	<b>Total</b>
SDGVINYL	Siding - vinyl	553.23	SF @	0.675	373.43
SDGVJTRIM	Vinyl "J" trim used around openings	276.62	LF @	0.380	105.11*
SDGVOC	Vinyl outside corner trim	18.44	LF @	1.464	27.00
WDVP	Vinyl window - picture, 12-23 sf	1.00	EA @	138.015	138.02
<b>Total</b>					<b>4,541.58</b>



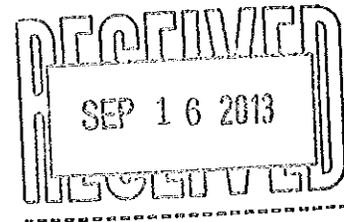
**McCardel Restoration LLC**

4100 Hunsaker Ste D  
East Lansing, MI 48823  
517-339-FIRE  
EIN: 27-3992560

Fax: 517-339-3575

**EQUIPMENT COMPONENTS**

Code	Description	Quantity	@	Unit Price	Total
DMOFEE	Landfill charge - per ton	0.88	TN @	45.000	39.41*
INSBLOWER	Insulation blower	0.40	DA @	60.000	24.00
<b>Total</b>					<b>63.41</b>



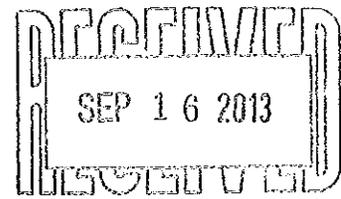
## McCardel Restoration LLC

4100 Hunsaker Ste D  
East Lansing, MI 48823  
517-339-FIRE  
EIN: 27-3992560

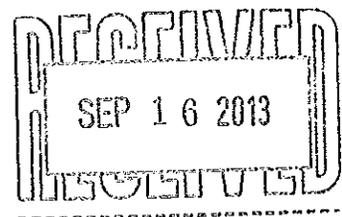
Fax: 517-339-3575

### LABOR COMPONENTS (CONTRACTOR)

Code	Description	Quantity	@	Unit Price	Total
CARP-FNC	Carpenter - Finish, Trim/Cabinet	0.96	HR @	56.69	54.15*
CARP-FRM	Carpenter - General Framer	29.68	HR @	55.21	1,638.84*
CARP-MECH	Carpenter - Mechanic	0.93	HR @	62.57	57.89*
DMO	Demolition Laborer	57.97	HR @	35.00	2,029.09*
DRY	Drywall Installer/Finisher	24.91	HR @	51.36	1,279.20*
INS	Insulation Installer	4.04	HR @	83.92	338.96*
RFG	Rofer	6.64	HR @	78.93	523.81*
SDG	Siding Installer	10.09	HR @	58.50	590.00*
<b>Total</b>		<b>135.22</b>	<b>HR</b>		<b>6,511.94</b>



# Exhibit J



East Lansing, Michigan, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 50 - ZONING >> ARTICLE IX. - NONCONFORMING USES AND BUILDINGS >>

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**ARTICLE IX. - NONCONFORMING USES AND BUILDINGS <sup>[15]</sup>**

Sec. 50-851. - Continuation generally.

Sec. 50-852. - Nonconforming use of land.

Sec. 50-853. - Nonconforming use of buildings.

Sec. 50-854. - Nonconformity other than use.

Sec. 50-855. - Restoration of damaged buildings.

Sec. 50-856. - Registration of nonconforming use of land or buildings.

Sec. 50-857. - Small lots owned separately.

**Sec. 50-851. - Continuation generally.**

The lawfully permitted use of land or buildings existing at the time of the adoption of the zoning ordinance or any amendment thereto may be continued, although such use does not conform to the standards of the district in which such land or building is located. Such uses shall be deemed nonconforming uses.

*(Code 1994, ch. 55, § 5.131)*

**Sec. 50-852. - Nonconforming use of land.**

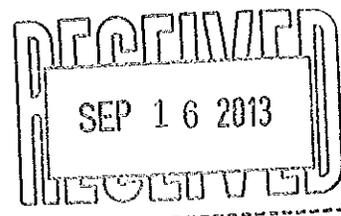
Where no structure is involved, the nonconforming use of land may be continued, provided however:

- (1) That no such nonconforming use shall be enlarged or increased, nor that it be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of the zoning ordinance, unless specifically allowed by other provisions of this chapter.
- (2) That no such nonconforming use be moved in whole or in part to any other portion of the lot or parcel of land occupied by such nonconforming use at the time of the adoption of the ordinance from which this chapter is derived.
- (3) That if such nonconforming use of land, or any portion thereof, ceases for any reason for any continuous period of more than 30 days, or is changed to a conforming use, any future use of the land shall be in conformity with the provisions of this chapter.

*(Code 1994, ch. 55, § 5.132)*

**Sec. 50-853. - Nonconforming use of buildings.**

- (a) A structure, the use of which does not conform to the use regulations for the district in which it is situated, shall not be enlarged or extended unless the use therein is changed to a



- conforming use.
- (b) Such nonconforming structure shall not be structurally altered or reconstructed unless such alterations are required by law, provided, however, that such maintenance and repair work as is required to keep a nonconforming structure in sound condition shall be permitted.
  - (c) A nonconforming use may be extended throughout any parts of the structure which were manifestly arranged or designed for such use at the time of the adoption of the ordinance from which this chapter is derived, provided this extension was made within one year after the date of such adoption.
  - (d) A nonconforming use of a structure may be changed to a conforming use.
  - (e) If any nonconforming use of a structure ceases for any reason for a continuous period of more than one year, or is changed to a conforming use, or if the structure in which such use is conducted or maintained is moved for any distance whatsoever, for any reason, then any future use of such structure shall be in conformity with the standards specified by the zoning ordinance for the district in which such structure is located.
  - (f) If any structure in which any nonconforming uses are conducted or maintained is removed, the subsequent use of the land on which such structure was located, and the subsequent use of any structure thereon, shall be in conformity with the standards specified by the zoning ordinance for the district in which such land or structure is located.
  - (g) The conversion of any nonconforming single-family or two-family residential structure to a rental dwelling (licensed or unlicensed) for occupancy by other than a family or domestic unit (as defined by this chapter) shall be deemed a change which enlarges or extends the nonconforming use of a structure, except in the following circumstances:
    - (1) For so long as the owner of the structure, as of the date of adoption of the ordinance from which this chapter is derived, continues to reside in said structure; and/or
    - (2) For so long as the owner of the structure, as of the date of adoption of the ordinance from which this chapter is derived, continues to own said structure.

*(Code 1994, ch. 55, § 5.133)*

#### **Sec. 50-854. - Nonconformity other than use.**

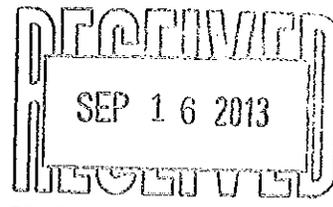
A structure which is conforming in use but which does not conform to all of the other requirements of the zoning ordinance for the district in which said structure is located shall not be considered to be nonconforming with the meaning of section 50-853 and section 50-855. However, no permit shall be issued and no changes shall be made on the structure or the land on which such structure is located that will result in the increase of any such nonconformity.

*(Code 1994, ch. 55, § 5.134)*

#### **Sec. 50-855. - Restoration of damaged buildings.**

Whenever any structure legally nonconforming in use is damaged or destroyed by fire, explosion, wind, flood, or other catastrophe to an extent greater than its state equalized value as determined by the city assessor, then any future use of the building and land on which the building is located shall be in conformity with the regulations of the district in which such building is located.

- (1) Where such a building is damaged to an extent less than its assessed value, it may be rebuilt and the use continued, but not to any greater extent than in the previously existing building; but where such rebuilding can feasibly be done in greater conformity



with this chapter in the opinion of the building official, he/she shall so require in any building permit, provided, that any such structure licensed as a rental on November 8, 1995, may be rebuilt to the extent necessary to retain the occupancy permitted by license on November 8, 1995.

- (2) Whenever a legally nonconforming residential structure which was licensed as a rental on November 8, 1995, is damaged to an extent greater than its state equalized value, such structure may be rebuilt and the use continued to the extent necessary to retain the maximum occupancy permitted by license on November 8, 1995; but the building official shall require in any building permit that such rebuilding shall otherwise be done so as to obtain the maximum conformity with this chapter which may be feasible for the permitted occupancy.

*(Code 1994, ch. 55, § 5.135; Ord. No. 1117, 2-7-2006)*

### **Sec. 50-856. - Registration of nonconforming use of land or buildings.**

Any nonconforming use of land or structures may be registered in the office of the building official within one year after the adoption of the ordinance from which this chapter is derived. Such registration shall include the identification of the premises, a description of the nature and extent of the nonconforming use, and if necessary to the description, a plot plan, drawn to scale, showing property lines, all structures, and any other pertinent information, and an affidavit by the owner as to the date since which such nonconforming use has existed. Failure to so register shall place the burden of proof on the property owner that any alleged nonconforming use of land or structures legally existed at the time this chapter or any amendment thereto became effective.

*(Code 1994, ch. 55, § 5.136)*

### **Sec. 50-857. - Small lots owned separately.**

Nothing in the area requirements of this chapter relating to lot width or area per family shall prohibit the erection of a one-family dwelling on a lot held under a separate and distinct ownership from contiguous lots and which has been under such separate and distinct ownership since a date prior to the 1960 zoning ordinance, even though such lot has less width or less area than the lot area per family requirement of this chapter for the district in which such lot is located, provided that all other regulations of the district are complied with.

*(Code 1994, ch. 55, § 5.137)*

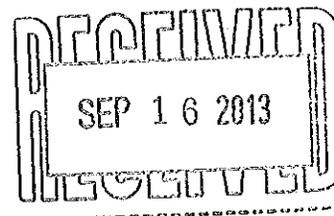
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#### **FOOTNOTE(S):**

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*Cross reference— Buildings and building regulations, ch. 6. (Back)*



**Article XXI  
NONCONFORMING USES**

**SECTION 21.1 PURPOSE**

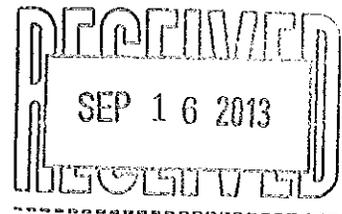
The purpose of this Article is to provide for the regulation of legally Nonconforming Structures, Lots of record, and uses, and also to specify circumstances and conditions under which nonconformities shall be permitted to continue. The zoning regulations established by this Ordinance are designed to guide the future Use of land located in the City of St. Joseph by encouraging appropriate groupings of compatible and related uses and to promote and protect the public health, safety, and general welfare. The continued existence of nonconformities is frequently inconsistent with these purposes; therefore, the gradual elimination of nonconformities is generally desirable. The regulations of this Article permit nonconformities to continue, but are intended to restrict further investments which would make them more permanent.

**SECTION 21.2 RESERVED FOR FUTURE USE**

**SECTION 21.3 NONCONFORMITIES**

Except as otherwise provided in this Article, any Nonconforming Lot, use, or Structure lawfully existing on the effective date of this Ordinance or subsequent amendment may be continued so long as it remains otherwise lawful. All Nonconformities shall be encouraged to convert to conformity wherever possible and shall be required to convert to conforming status as required by this Article. A Nonconformity shall not be enlarged, expanded, or extended, including extension of hours of operation, unless the change is in compliance with all requirements of this Ordinance. Normal maintenance and incidental Repair of a Nonconformity shall be permitted, provided that this does not violate any other section of this Article.

- A. Nothing in this Article shall be deemed to prevent the strengthening or Restoration to a safe condition of a Structure in accordance with an order of a public official who is charged with protecting the public safety and who declares the Structure to be unsafe and orders its Restoration to a safe condition, provided that the Restoration is not otherwise in violation of the various provisions of this Section prohibiting the Repair or Restoration of partially damaged or destroyed Structures.
- B. Nothing in this Article shall be deemed to prevent the addition of required off-Street parking or loading spaces, so long as there is no expansion of the Nonconformity, and subject to the restrictions of Article XVIII Off-Street Parking and Loading.
- C. A Nonconformity shall not be moved in whole or in part, for any distance whatsoever, to any other location on any other Lot unless the net effect of the change shall be to reduce the Nonconformity on the current Lot; and the entire relocated Structure and/or Use shall thereafter conform to the regulations of the zoning District in which it is relocated. Any Nonconformity reduced or eliminated as a result of the move shall not be re-established in its nonconforming condition.
- D. A Nonconformity shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same Lot, unless the net effect of the change shall be to reduce the Nonconformity.
- E. No Use, Structure, or sign which is accessory to a principal Nonconforming Use or Structure shall continue after the Principal Use or Structure has ceased or terminated, unless it shall thereafter conform to all regulations of this Ordinance.



**Article XXI**  
**Nonconforming Uses**

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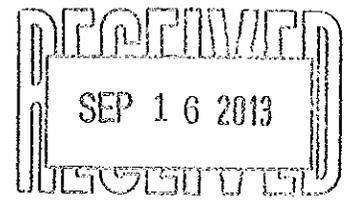
- F. The burden of establishing that any Nonconformity was legally established shall, in all cases, be upon the Owner of such Nonconformity and not upon the City of St. Joseph.
- G. A Nonconforming Use shall not be changed to any Use other than a Use allowed in the zoning District in which it is located. For the purposes of this section, reducing the number of residential units on a Lot shall not be considered a change of Use. For example, a three-unit apartment is in the Multiple-family Dwellings Use Class and therefore is a Nonconformity in the R1 Single-family Residence zoning District. Eliminating one residential unit would change the structure to a duplex, which is in the Two-family Dwellings Use Class, which is also a Nonconformity in the R1 zoning District. This change would be allowed.
- H. Nonconforming Structures shall not be re-established in their nonconforming conditions in any zoning District after damage, destruction or Demolition if the estimated expense of reconstruction exceeds fifty (50) percent of the appraised replacement cost of the Structure. For the purposes of this Section, "damage or destruction" does not include Dismantlement.
- I. If a Nonconforming Use ceases for any reason for a period of more than twelve (12) consecutive months, such discontinuance shall be considered conclusive evidence of an intention to abandon the Nonconforming Use. At the end of the twelve (12) month period, the Nonconforming Use shall not be re-established and any future Use shall be in conformity with the provisions of this Ordinance.

**SECTION 21.4 EXCEPTIONS**

The following exceptions to Section 21.3 apply:

- A. A Nonconforming residential Use, Building or Structure in the C Commercial or CO Commercial Office zoning Districts is exempt from the provisions of Sections 21.3.H and 21.3.I.
- B. Any Nonconforming Building or Structure in the OS Open Space District is exempt from the provisions of 21.3.H, unless the Structure is prohibited under Areas of Special Flood Hazard, high risk erosion area, sand dune area, or other state or federal laws or regulations.
- C. A Limited Neighborhood Business shall be exempt from Section 21.3 with regard to the Nonconforming Use; it shall remain subject to Section 21.3 for the purpose of dimensional nonconformities.
- D. A Nonconforming Building or Nonconforming Structure located in the DH-OD Downtown Height Overlay District and which is of such height that special approval under Section 9.4 of this Ordinance would be required to construct a new Building or Structure of that height in that location is partially exempt from Section 21.3.H with respect to that height in that it may be restored following damage or destruction; it may not be restored following Demolition. To benefit from the exemption under this Section, the Building or Structure must be restored to an exterior appearance and design as similar as possible to its previous configuration and shall not increase in height or volume as a result of restoration; this Section is intended only to preserve the appearance of existing Nonconformities in the DH-OD Overlay District and shall not be used to allow the substitution of a new, dissimilar Nonconformity.

**SECTION 21.5 RESERVED FOR FUTURE USE**



**SECTION 21.6 NONCONFORMING LOTS**

A Nonconforming Lot may be used for any Principal Use permitted in the zoning District in which the Lot is located. A Nonconforming Lot may not be divided, combined with another Lot, or otherwise altered unless the result is to lessen the Nonconformity of the Lot(s) involved.

**SECTION 21.7 REPAIRS AND MAINTENANCE**

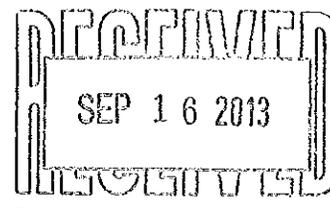
- A. Nonconforming Uses. Repairs, maintenance and replacement may be performed on any Building or Structure devoted in whole or in part to a Nonconforming Use, including Repair or replacement of roofs, doors, windows, interior and exterior walls, foundations, fixtures, wiring, plumbing and similar appurtenances and features. However, the dimensions or volume of the Building or Structure as it existed on the effective date of this Ordinance or subsequent amendment shall not be increased in any way. Except that a Building or Structure occupied by a Limited Neighborhood Business may be repaired, replaced, or expanded so long as no dimensional Nonconformity is created or increased. If the Building or Structure is itself Nonconforming, Section 21.7.B also applies.
- B. Nonconforming Structures. Repairs and maintenance may be performed on any Nonconforming Building or Structure, including Repair or replacement of interior walls, roofs, doors, windows, fixtures, wiring or plumbing and similar appurtenances and features, or Repair of exterior walls and foundations. No dimensional Nonconformity shall be increased in any way. Portions of the Structure necessary to allow the reasonable use of the Structure, such as an exterior stairway or steps, may be removed and replaced in their previous location, or with such minor modifications as may be needed to meet current standards. The intention of this Section is to allow the maintenance and rehabilitation of existing Nonconforming Structures but not to allow the replacement of foundations and exterior walls in such a way as to effectively allow a new Structure to be constructed in a nonconforming location under the guise of rehabilitation.

**SECTION 21.8 CHANGE OF TENANCY OR OWNERSHIP**

There may be a change of tenancy, ownership, or management of any Nonconformity provided there is no change in the nature of character of the Nonconformity, unless such change is allowed under this Ordinance.

**SECTION 21.9 ELIMINATION OF NONCONFORMITIES – USES, BUILDINGS OR STRUCTURES**

For the purpose of removing any Nonconforming Use, Building or Structure, the City Commission may acquire private property or an interest in private property by purchase, condemnation, or other means. The cost, expense, or a portion thereof may be paid from general funds or assessed to a special district in accordance with applicable statutory provisions and relevant provisions of the City Charter.



## Article 01

### Title and Purpose

#### Section 01.01 Preamble and Purpose

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE UNINCORPORATED AREAS OF La PORTE COUNTY, INDIANA, AND THE INCORPORATED CITIES OF La PORTE AND MICHIGAN CITY, PROVIDING FOR THE ADMINISTRATION AND PENALTIES FOR VIOLATION THEREOF, AND FOR THE REPEAL OF ALL CONFLICTING ORDINANCES.

The La Porte County Code, La Porte Municipal Code and the Michigan City Municipal Code have been amended by adding a new chapter to be known and cited as the Zoning Ordinance.

#### Section 01.02 Purpose

THIS ORDINANCE is in accordance with a comprehensive plan, hereafter referred to as the county land development plan and is adopted so that adequate light, air, convenience and access, and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; that the local environmental heritage be enhanced and protected; and that the public health, safety, comfort, morals, convenience and general public welfare may be promoted. This Ordinance is made with reasonable regard to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted and the conservation of property values and the overall quality of life throughout , the City of La Porte .

#### Section 01.03 Scope of Application

- (a) No building or structure, or part thereof, shall hereafter be erected, constructed, renovated, altered or maintained and no new use shall be made of any building or land except in conformity with the provisions of this Ordinance.
- (b) Any building or structure which is erected, repaired, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se and may be abated by order of any court of competent jurisdiction.
- (c) Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or use of any building on which actual construction was lawfully begun prior to the effective date of this Ordinance. The construction shall be completed within two (2) years from the effective date of this Ordinance.
- (d) The provisions of this Article shall apply to all buildings, structures and uses in any zoning district, unless otherwise noted.
- (e) The regulations established by this Ordinance shall be the minimum necessary and shall apply uniformly to each class or kind of structure, land, or use.
- (f) This Ordinance shall apply to all the unincorporated areas of LaPorte County and the incorporated municipalities of the City of LaPorte and the City of Michigan City and those areas outside the city of LaPorte that are included in the Airport Overlay District provided for in Article 11. Land uses and

## Article 29

### Nonconforming

#### Section 29.01 Nonconforming Uses

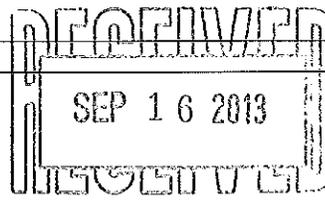
A use of a building or premises, lawfully existing at the time it was established, but is made nonconforming by the passage of a new ordinance or amendment, may be continued, except as hereinafter provided, although such use no longer conforms to all provisions of the ordinance or amendments to this ordinance.

- (a) A nonconforming use may be extended throughout a building provided no structural alterations are made therein, except those required by law.
- (b) A nonconforming use may be changed to another nonconforming use of the same or greater restrictions, provided no structural changes are made in the building. Whenever a nonconforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use or a less restricted one.
- (c) No building shall be erected upon any premises devoted to a nonconforming use, except in conformance with regulations of this ordinance.
- (d) When a building containing a nonconforming use is damaged by any means or in any manner to the extent that the cost of reconstruction or restoration is equal to or less than 50% of the value of the structure prior to the damaging occurrence, it may be restored, within 12 months, provided that its original use is not changed and size is not increased. Where the damaged is greater than 50% of the value of the structure, it may not be restored. The value of the structure prior to the damaging occurrence shall be as determined by the most recent assessment of the market value of the structure, exclusive of the market value of land.
- (e) In the event that a nonconforming use of any building or land is abandoned or discontinued for a period of one (1) year, the use shall thereafter conform to the uses permitted in the district in which it is located.

#### Section 29.02 Nonconforming Structures and Buildings

Structures and buildings that are existing and lawful on the effective date of this ordinance or amendments thereto, may be continued even though the structure or building does not conform with the dimensional or other provisions of this ordinance, subject to the following provisions of this section.

- (a) If a nonconforming structure or building is altered or modified so as to eliminate, remove or lessen any or all of its nonconforming characteristics, then the nonconforming characteristics shall not be later re-established or increased.
- (b) In the event that any nonconforming structure or building is damaged by any means or in any manner to the extent the cost of reconstruction or restoration is equal to or less than 50% of the value of the structure prior to the damaging occurrence, reconstruction or restoration shall be permitted, provided a building permit for reconstruction or restoration is issued within one (1) year of the occurrence of the damage. The value of the structure prior to the damaging occurrence shall be as determined by the most recent assessment of the market value of the structure, exclusive of the market value of land,
- (c) In the event that any nonconforming structure or building is damaged by any means or in any manner to the extent the cost of reconstruction or restoration exceeds 50% the value of the structure prior to

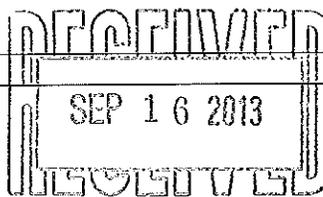


the damaging occurrence, reconstruction or restoration shall only be permitted in conformity with the provisions of this ordinance, except residential structures or buildings as provided for below.

- (d) In the event a nonconforming residential structure or building is damaged by fire or other natural cause, a residential structure may be reconstructed on the same foundation provided the first floor footprint and the total floor area does not exceed the size of the previous residence.
- (e) Repairs, improvements, or modernization of non-conforming structures and buildings shall be permitted provided the repairs or improvements do not exceed 50% of the value of the building or structure during any period of 12 consecutive months. This cost/value calculation shall not include any costs associated with modernization of electrical, plumbing, heating or cooling systems. However, if a non-conforming structure or a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of maintenance and repairs and is declared as such by the county or city, as applicable, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.
- (f) A building that is nonconforming may be altered or rehabilitated if that activity will make the building conform to the regulations of this zoning ordinance and the building code.
- (g) A residential nonconforming building may be expanded provided the expansion will be within required setbacks; other dimensional requirements are met (spacing between structures, height, maximum lot coverage, etc.). (Example: a home with a nonconforming front yard setback may be expanded in the rear so long as the rear yard setback remains conforming and maximum lot coverage is not exceeded). The addition must comply with all health department and building code requirements. Additional height above the nonconforming portion of the building shall not be permitted. The total cost of the expansion shall be limited by the improvements allowed by subsection (e) above.
- (h) Nonresidential nonconforming buildings shall not be expanded, unless a variance is obtained from the board of zoning appeals.
- (i) Nonconforming structures and buildings shall not be enlarged nor altered in a way which increases the nonconformity within the provisions of this ordinance or beyond the limits set in this section, unless approved by the board of zoning appeals.

### Section 29.03 Nonconforming Lots

- (a) In any zoning district, notwithstanding limitations imposed by other provisions of this ordinance, where an existing lot of record fails to meet the requirements of this ordinance for minimum lot area, minimum lot width or both, of the zoning district in which it is located, the lot may be used for the permitted uses of the zoning district, including permitted accessory uses, provided other requirements of the zoning district in which the lot is located are met. The lot must be an existing lot of record, created prior to the effective date of the original zoning ordinance or the amendment that made the lot nonconforming.
- (b) A principal building and customary accessory buildings for a permitted use may be erected on any single lot of record existing at the effective date of this zoning ordinance, provided all other standards of the zoning ordinance are met. This provision shall apply even though the lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that the buildings are in conformance with all other applicable yard setback, minimum floor area, maximum height and access requirements for the district in which they are located.
- (c) Where there are multiple contiguous nonconforming lots under single ownership they may be combined and used as a single lot. Combined use of multiple contiguous lots shall be permitted;



provided approval under the subdivision regulations shall be required if any lots are divided or any lot boundaries changed.

**Section 29.04 Nonconforming Sites**

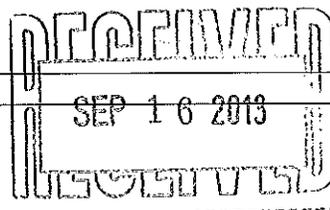
The county or city, as applicable, may permit improvements and minor modifications to a conforming use and building on a site that does not meet all of the various site improvement related regulations of this zoning ordinance. This section is intended to allow gradual compliance with the site related requirements for sites which predate the various zoning ordinance standards for landscaping, paving, lighting and other non-safety items in proportion to the amount of expansion or improvement proposed. Improvements or expansions may be permitted by the enforcement official during site plan review without a complete upgrade of all site elements under the following conditions:

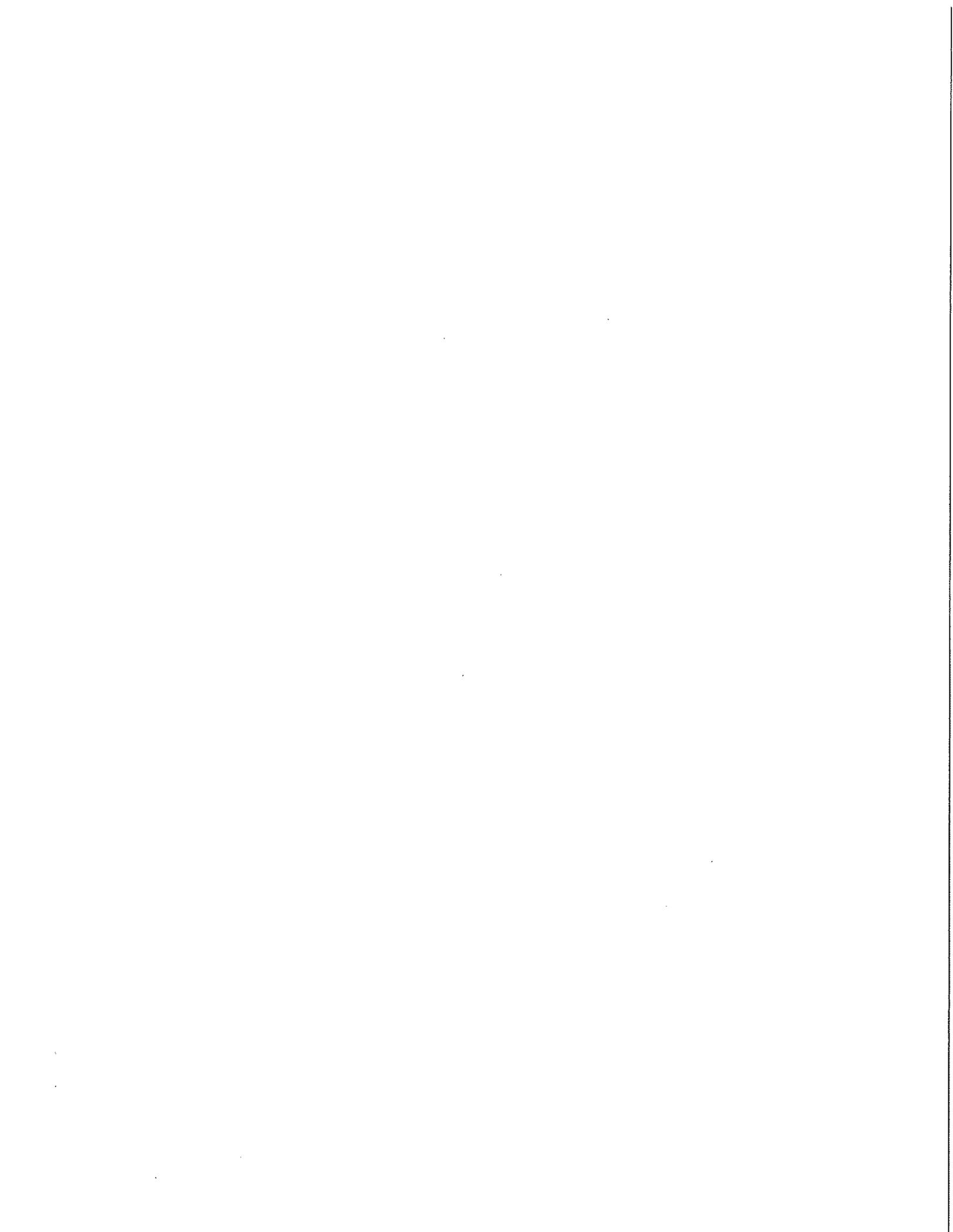
- (a) The applicant is proposing reasonable site improvements on the overall site in relation to the scale and construction cost of the building improvements or expansion.
- (b) The applicant has addressed safety related site issues on the overall site.
- (c) The improvements or minor expansion will not increase noncompliance with site requirements.
- (d) All driveways that do not conform to the access standards of this zoning ordinance shall be eliminated, provided that the minimum reasonable access shall be maintained.

**Section 29.05 Nonconformity Resulting In Right-Of-Way Dedication**

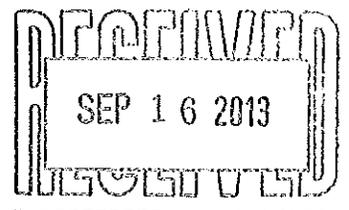
Where a nonconforming front yard setback, parking lot setback or greenbelt is created as a result of additional road right-of-way width being acquired by the city, county or state, the building or parking lot may be improved or expanded without the need to obtain a variance from the board of zoning appeals, provided the following conditions are met:

- (a) The building or parking lot complied with the front yard setback prior to the acquisition of the additional road right-of-way.
- (b) The building or parking lot expansion will not reduce the remaining depth of the front yard setback.
- (c) All other ordinance requirements are met and necessary approvals obtained.





# Exhibit K



CHARTER TOWNSHIP OF MERIDIAN  
ZONING BOARD OF APPEALS MEETING MINUTES **APPROVED**  
5151 MARSH ROAD, OKEMOS MI 48864-1198  
517.853.4000  
WEDNESDAY, APRIL 28, 2010

PRESENT: Members, Jackson, Ochberg, Ohlrogge, Stier, Chair Hershiser  
ABSENT: None  
STAFF: Martha Wyatt, Assistant Planner/Landscape Architect;  
Mark Kieselbach, Director of Community Planning & Development

A. CALL MEETING TO ORDER

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

B. CORRECTIONS, APPROVAL, & RATIFICATION OF MINUTES

Wednesday, April 14, 2010

Wednesday, Feb. 3, 2010

VOICE VOTE: Motions carried unanimously.

C. PUBLIC REMARKS

None

D. OLD BUSINESS

None

E. NEW BUSINESS

1. ZBA CASE NO. 10-04-28-1 B. WILLIAM CHOI, 6315 QUAIL ST., HASLETT, MI 48840
- |                  |                                  |
|------------------|----------------------------------|
| DESCRIPTION:     | 6409 E. Reynolds Road            |
| TAX PARCEL:      | 02-102-022                       |
| ZONING DISTRICT: | RB (Single Family, High Density) |

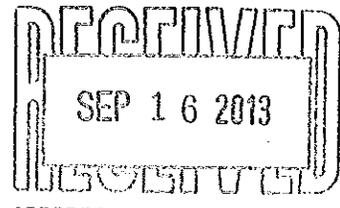
The applicant is requesting a variance from the following section of the Code of Ordinances:

- Section 86-618(1), which states non-conforming 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 non-conformity and shall satisfy all applicable site development regulations.

The applicant has proposed to alter a non-conforming structure by raising the floor of an existing detached garage and adding height to the structure. The applicant is requesting a variance to alter a non-conforming structure.

Ms. Wyatt outlined the case for discussion.

Mr. Raymond Choi explained the garage has settled and the flooding makes the garage unusable two or three times per year. Their plan would allow them to utilize the garage for parking and storage. He said they had considered several other options such as increasing the height of the floor inside the garage or installing a sump pump but these would not be viable as long term solutions. He said they would not change the flow of the water but would direct and collect the water according to its natural flow. He also referred to the letters from the neighbors in opposition to their plan and stated they would not go forward with this project if they thought there would be a detrimental effect to their neighbor's property. The project had also been reviewed by the Township's Wetland Consultant and Ingham County Drain Commission. Mr. Choi



remarked at first he thought the water that ends up on their property came from the road but he noticed the road was crowned and the water flows off the road and so if the grass was higher it would not come on their property.

Mr. Curtis J. Armbruster, 6411 E. Reynolds Rd, Haslett, spoke in opposition to the plan because he thinks the water will be displaced onto his property. He stated his opinion about where the water naturally flows differs from Mr. Choi's. He thought if the elevated areas of the Choi's property were graded downward it would correct the problem. Mr. Armbruster commented that the raised concrete pad would act as a dam and retain the water on his side of the property. He

Ms. Randie K. Black, 6411 E. Reynolds Rd, Haslett, spoke in opposition to the plan. She stated the existing berm should be removed and the proper permit should be requested from the DNRE to correct the problem.

Mr. William Choi said he was unaware of the water problems when he purchased the home and he is only trying to improve the problem and not trying to cause a problem for the neighbors.

Chair Hershiser asked Mr. Kieselbach if the water problem and wetland problem are under consideration by The Zoning Board of Appeals.

Mr. Kieselbach replied the variance concerns the increase in the height of a non-conforming building. He stated the other issues must be taken into consideration but are not primary. Mr. Kieselbach stated they may grant the variance with conditions. He explained the water and wetland problems would be under consideration in the building permit process. 

Member Ochberg asked for more information about where the berm is located. She would like to know whose property it is on and why this hasn't been addressed with the current owner. She said she would not feel comfortable deciding without this information.

Mr. Armbruster commented the raised area is along the edge of the Choi's property and the adjacent wetland.

Mr. Choi said he thought it was mostly on the wetland side.

Member Ohlrogge asked who owns the wetland.

Mr. Choi said he thought it was a Mr. Keck.

Member Stier asked what the permitting process would be to eliminate the ridge or berm.

Mr. Kieselbach said he could not be sure without looking at it.

Member Jackson asked for clarification as to why the structure is non-conforming. 

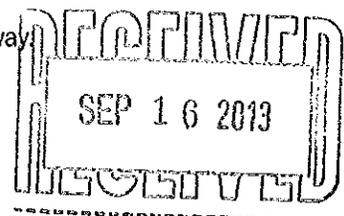
Mr. Kieselbach answered because garage is located on a parcel without the principal structure, the house.

Member Jackson said she thought it was one lot.

Mr. Kieselbach replied the road had split it into two parcels.

Chair Hershiser commented he was having a hard time deciding if the water would create a problem for the neighbors or not. He stated he understands the concern of the neighbors.

Member Jackson asked if the Board should concern itself with the driveway



Chair Hershiser asked Mr. Kieselbach to reply.

Mr. Kieselbach stated if it were only an issue of the driveway it would not be before the ZBA.

Member Ohlrogge commented she was concerned about the fact that there is no professional opinion or investigation and the board does not have enough information to proceed and make an educated decision.

Member Stier asked Mr. Armbruster what the water problem was like before the depression in the drive way was filled in with crushed rock.

Mr. Armbruster replied he thought most of the water pooled in the driveway before it was filled in.

Member Stier commented he thought there was enough evidence to decide and this situation does not meet review criteria number 5 because it is not the least that could be done to solve the problem. He stated if the variance is approved it will still have to go through the building permit process.

Member Ochberg stated she agreed with Member Stier there are alternatives to raising the garage.

MEMBER OCHBERG MOVED TO DENY DUE TO THE FACT THE VARIANCE DOES NOT MEET REVIEW CRITERIA NUMBER 5 AND THERE IS A GOOD CHANCE OF A NEGATIVE IMPACT ON THE NEIGHBORS.

SECONDED BY MEMBER JACKSON.

Member Stier commented he believed there are alternatives to eliminate the garage flooding.

Mr. Choi remarked this solution kept all of the work on their property and would eliminate the wetland permitting process.

VOICE VOTE: YES: Member Ohlrogge, Stier, Jackson and Ochberg  
NO: Chair Hershiser  
MOTION CARRIED 4-1.

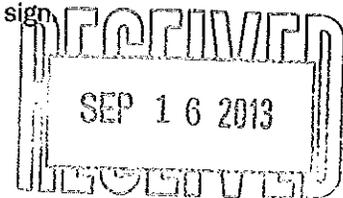
2. ZBA CASE NO. 10-04-28-2 CHRISTOPHER ENRIGHT ARCHITECTS, PO BOX 7285, BLOOMFIELD HILLS, MI 48302

DESCRIPTION: 2045 Grand River Avenue  
TAX PARCEL: 21-276-009  
ZONING DISTRICT: C-2 (Commercial)

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

- Section 86-687(3)a., which states one wall sign shall be permitted and may be located flat against the building's front façade or parallel to the front façade on a canopy. For businesses with frontage on more than one (1) public street, two (2) signs may be permitted. In no case shall more than one (1) wall sign be located on a façade and no wall sign shall be located on a rear façade.

The applicant is proposing a second wall sign on the front (north) façade of the proposed Belle Tire store. The applicant is requesting a variance to install a second wall sign.



# MEMORANDUM

TO: Zoning Board of Appeals

FROM:   
Martha K. Wyatt  
Assistant Planner/Landscape Architect

DATE: December 9, 2011

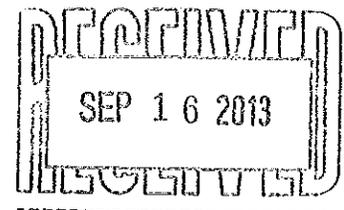
RE: ZBA Case No. 11-12-14-1

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ZBA CASE NO. **11-12-14-1 HOP FAMILY LLC, 2696 CHICAGO DRIVE SW, WYOMING, MI 49519**  
DESCRIPTION: 3010 Lake Lansing Road  
TAX PARCEL: 06-477-015  
ZONING DISTRICT: C-2 (Commercial)

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

- Section 86-402(13), an area equal to four feet multiplied by the perimeter of the building in feet shall be incorporated either at the building or elsewhere on the site, as approved by the director of community planning and development during site plan review.
- Section 86-402(17), which states the maximum percentage of impervious surface permitted on a site shall be 70 percent. Impervious surfaces shall include all land covered with paving and buildings. The impervious surface ratio is calculated by dividing the total impervious surface by the gross area of the site. The following areas shall be counted as pervious surfaces: required perimeter landscaped buffers; fifty percent of onsite detention and retention basins above design level, if designed as an integral part of the site landscaping, providing that the side slope of such basins shall not be steeper than 4:1 (horizontal:vertical); parking lot islands and medians that are 20 feet or greater in each dimension and used for landscape plantings.
- 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 expansions shall not increase the area, height, bulk, use, or extent of the structure and shall satisfy all other applicable site development regulations.
- Section 86-687(3)c., which states in the case of multitenant structures, one wall sign shall be permitted for each tenant having an individual means of public access up to a size equivalent to one square foot for each lineal foot of building frontage occupied.
- Section 86-687(5)a., which states a two-sided sign indicating only price and grade of gasoline as shown on the pumps, either side not exceeding 12 square feet in surface display area, may be permanently attached to the parcel's freestanding sign support system.



The following chart outlines the request:

	Required Landscaping	Proposed Landscaping	Variance Request
North Elevation	280 sq. ft.	140 sq. ft.	140 sq. ft.
South Elevation	320 sq. ft.	145 sq. ft.	175 sq. ft.
East Elevation	160 sq. ft.	396 sq. ft.	0 sq. ft.
West Elevation	120 sq. ft.	0 sq. ft.	120 sq. ft.
Northwest Elevation	56 sq. ft.	15 sq. ft.	41 sq. ft.
<b>TOTAL</b>	<b>936 sq. ft.</b>	<b>696 sq. ft.</b>	<b>240 sq. ft.</b>

- Section 86-402(17)-Impervious Surface Percentage

The maximum allowed impervious surface percentage in the C-2 zoning district is 70%. Based on the submitted plans, the site is approximately 85.4% impervious surface; therefore the applicant is requesting a variance of 15.4%.

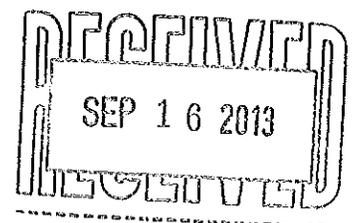
- Section 86-618(2)-Nonconforming Structures

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 expansions shall not increase the area, height, bulk, use, or extent of the structure and shall satisfy all other applicable site development regulations.

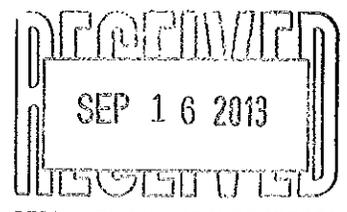
The two (2) existing driveways on Hagadorn Road are considered nonconforming because the driveways do not meet the required spacing (Section 86-402(5)c.). Also, one (1) driveway is permitted from a local street per Section 86-756(11) and two (2) driveways exist. Hagadorn Road is considered a local street. \*

Section 86-402(5)c. outlines the required driveway spacing based on the posted speed of a street. The posted speed on Hagadorn Road adjacent to the site is 25 mph (miles per hour). The required spacing between the two (2) commercial drives on Hagadorn Road is 105 feet as measured from the centerline of each driveway. The existing driveways are spaced approximately 82 feet apart. Both driveways will be redesigned in some manner. The south driveway will be narrowed from 30 feet wide to 26 feet wide and angled as an exit-only driveway. The northern driveway will be expanded from 39 feet to 41 feet in width. The proposed spacing between the modified driveways is approximately 76 feet.

Both existing driveways are considered nonconforming structures as explained above. The applicant is proposing to alter the driveways; therefore the applicant is requesting a variance to alter nonconforming structures.



# Exhibit L



# CHARTER TOWNSHIP OF MERIDIAN

Susan McGillicuddy Supervisor  
Mary M.G. Helmbrecht Clerk  
Julie Brixie Treasurer  
Gerald J. Richards Manager



Brett Dreyfus Trustee  
Elizabeth Ann LeGoff Trustee  
Lynn Ochberg Trustee  
John Veenstra Trustee

August 17, 2012

Gabe & Joan Blosser  
9349 Coleman Road  
Haslett, mi 48840

**RE: 8754 Coleman Road  
Building Permit Application**

Dear Mr. & Mrs. Blosser:

This letter is in regards to the recent building permit application that was submitted to repair the fire damage to the house at 8754 Coleman Road. The zoning of the property is RR (Rural Residential) which allows for single family dwellings. Section 86-368 of the Code of Ordinances states a single family dwelling is a use permitted by right in the RR zoning district provided there shall not be more than one dwelling unit upon each lot. There are currently two other houses (8730 and 8752 Coleman Road) located on this property (33-02-02-226-003.) Having more than one dwelling on the property is a violation of the Code of Ordinances. Section 86-619 of the Code of Ordinances deals with the nonconforming use of structures and land and per Section 86-619(6) states:

*If a structure or structure and land in combination devoted to a nonconforming use is removed or destroyed the nonconforming use shall not be reestablished and the land shall be used in conformance with this chapter.*

Since the house was destroyed by the fire and the ordinance does not allow for the nonconforming use to be reestablished the building permit application to repair the house cannot be approved. If you have any questions or would like to meet to discuss this matter, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Mark Kieselbach". The signature is written in a cursive, flowing style.

Mark Kieselbach (517) 853-4508  
Director of Community Planning and Development

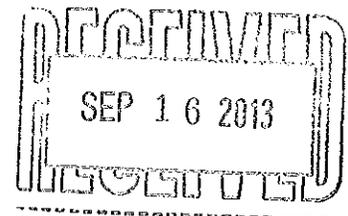
cc: Gerald Richards  
John Heckaman  
Peter Teholiz

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# CHARTER TOWNSHIP OF MERIDIAN

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Julie Brixie              Treasurer  
Gerald J. Richards      Manager



Milton Scales            Trustee  
Ronald Styka            Trustee  
John Veenstra           Trustee  
Angela Wilson           Trustee

January 17, 2013

J Laurie Blosser  
9349 Coleman Rd.  
Haslett, MI 48840

**Re:    8754 Coleman Road**

Dear Ms. Blosser:

This letter is in response to your letter of January 4, 2013 regarding the appeal of a Township Official decision on the issuance of a building permit for 8754 Coleman Road. Section 86-187 of the Township Code of Ordinances outlines the procedure that must be followed to appeal a decision made by the Director of Community Planning and Development. Specifically Section 86-187(1)a. states:

*Sec. 86-187. - Appeals to the zoning board of appeals of decisions made by the director of community planning and development or administrative official.*

*Except for decisions regarding special use permits and planned unit development decisions, an aggrieved person, officer, department, board, or bureau of state government may appeal any administrative order or decision of the director of community planning and development or administrative official charged with enforcement of the zoning ordinance to the zoning board of appeals. Appeals shall be made in accordance with the following procedures:*

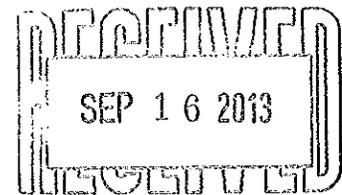
*(1) Procedures.*

- a. Notice of appeal. A notice of appeal is a written statement specifying the grounds for appeal, the date of the decision, and supporting materials related to the decision. A notice of appeal must be filed with the department of community planning and development within ten days of the date of the decision of the director of community planning and development.*

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Ms. Blosser  
January 17, 2013  
Page 2

The reasons for the decision not to approve a building permit were provided to you in my letter dated August 17, 2012. To appeal the director's decision the appeal should have been filed on or before August 27, 2012. The Code of Ordinances does not allow for an exception to the time period for the filing of an appeal. Since the appeal was not submitted until January 4, 2013 it cannot be considered a valid appeal.

If you have any questions regarding this matter, please contact me.

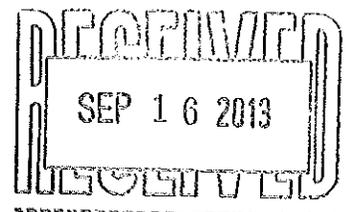
Sincerely,



Mark Kieselbach (517) 853-4506  
Director of Community Planning and Development

cc: Gerald Richards, Township Manager  
Peter Teholiz, Hubbard Fox

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Meridian Township Fire Department  
Fire Investigation   xxxxx  
February 20, 2012

COPY

**Location**

8752 Coleman Rd, Haslett MI 48840

Owner: Joan Blosser 9349 Coleman tx: 339-9897 is cell..

Occupant/renter: Don Todd tx: 339-7183

**Construction**

One story frame built 1930, shingle roof.

**Heating**

Propane boiler, not in use, in operating condition per occupant.

Wood stove in use as primary heat

**Electrical**

100 amp breaker type.

**Cooking**

Electric range not in use.

**Open Flame/Smoking**

Occupant is non smoker, no other open flame in use.

**Fireplace/woodstove**

Woodstove operating in living room as primary heat. Single wall stove pipe through  
thimble in wall into block flue. Model is Earth Stove 300 series.

**Weather**

Cool 28 degrees

**Security**

Occupied at time of fire.

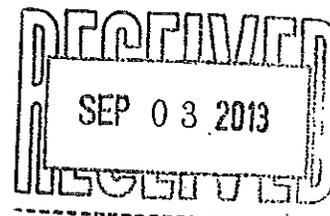
**Fire protection**

Smoke detection, alerted occupant.

**Responded on initial tone**

Meridian Fire did not respond. Bath Township did. House is in Meridian Township.

Meridian Fire not notified of call.



On February 19, 2012 at approximately 07:45 am there was a structure fire at 8752 Coleman Rd. in Haslett. The occupant a Don Todd was awakened by a smoke detector and observed smoke in the home and flames coming from around the flue pipe for his woodstove where it entered an exterior wall to vent into a block exterior chimney. Mr. Todd used a fire extinguisher to attempt to put the fire out but was unsuccessful. He exited the home and called 911. His call reached the Clinton County Central Dispatch. Mr. Todd reports that that he told the dispatcher that he was in Meridian Township. Clinton County dispatched Bath Township Fire to the scene and they extinguished the fire.

On February 20<sup>th</sup> at approximately three pm I arrived on scene with BC McGarry to attempt to see if any of the residents in the area had a land telephone line to check as cell phones went to Clinton. At the scene was Mr. Todd who gave me permission to look at the fire scene. I gathered the above information from him.

8752 Coleman is an 848 square foot single family home with two bedrooms. Mr. Todd lives there alone and rents the home. He reports no problems with the electrical or heating system which is a propane boiler which he states works but he uses wood as the primary source of heat in the home. Mr. Todd has lived there since 2000 and states that he installed the stove in the home which he obtained used to replace an existing stove, and has used it since then. He states he cleans it with a chain at least twice or more each heating season and has replaced the interior flue pipes as needed due to corrosion. He reports no problems with the stove and states that it had been cleaned within the last three weeks.

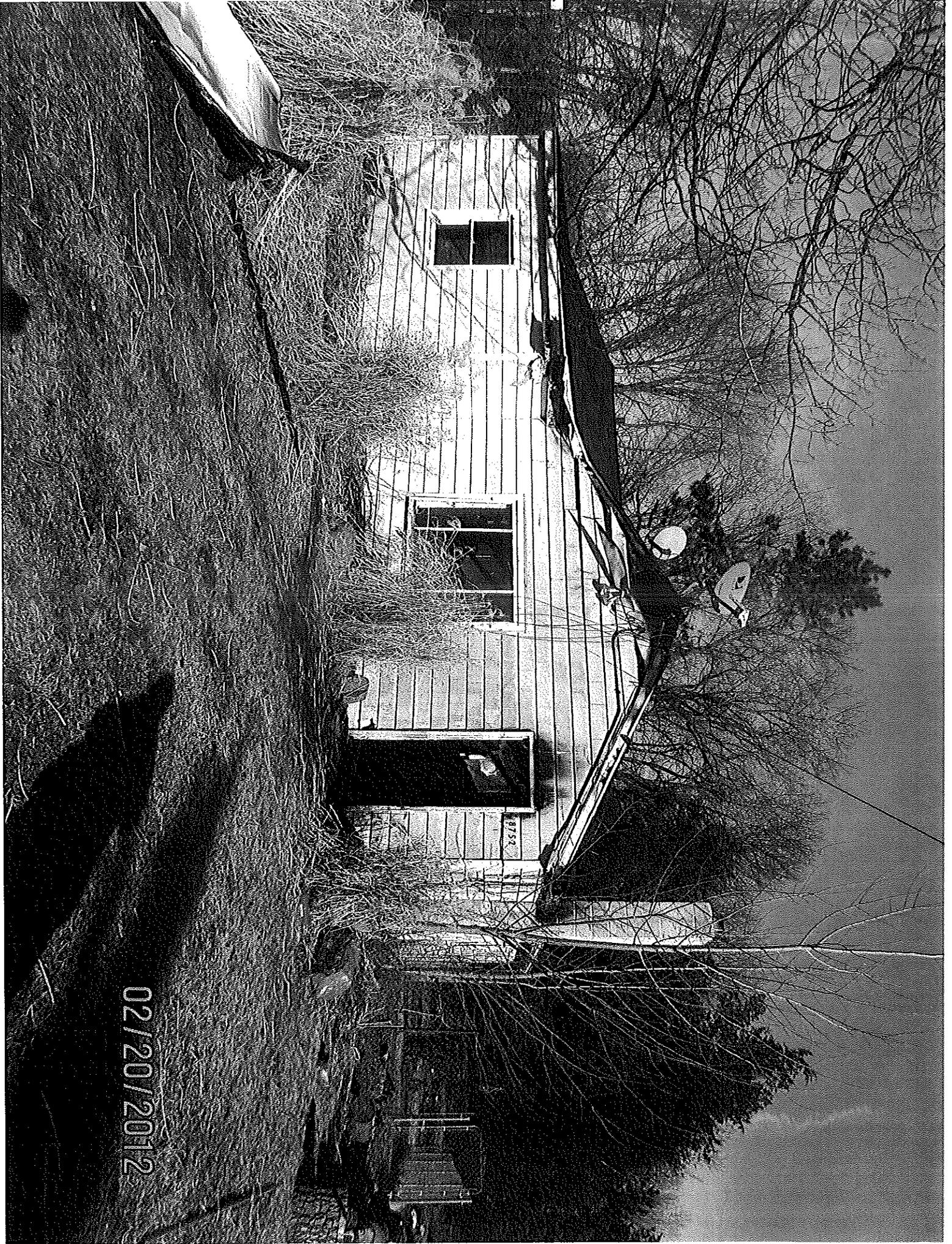
Examination of the home shows a one story frame structure with two by six planking on the roof covered by asphalt shingles. Approximately on third of this roof was consumed by the fire, starting from the area of the chimney and moving back into the house. The living area where the stove was located sustained fire, heat and smoke damage, while the rest of the home sustained heat and smoke damage. The wall behind the stove was burned

through to the metal siding. The stove had single wall flue pipe that passed through a thimble which rested on the block of the chimney. No concrete or chinking was present to hold the pipe in place or seal it. There was no cleanout on the chimney and the flue pipe discharged directly into the flue space. A buildup of creosote was observed in the lower portion of the chimney while the upper portion was relatively clean. It appears that a chimney fire was occurring in the block space and heat, hot gas and fire entered the wall adjacent to the flue discharge area igniting the interior of this wall and traveling up and into the attic space igniting the attic as well. During his extinguishment attempt the fire most likely had already extended to the attic area without his knowledge. No wiring or other ignition source was noted running in the area behind the woodstove, wiring was noted running above in the attic space but appeared to be unremarkable, sustaining fire damage.

Mr. Todd reports that he had not been cooking and no other open flame were in use and that there were no problems with the electrical system in the home. He denies being a smoker, and no signs of smoking were observed.

The origin of the fire is the flue / wall area where the pipe passed through it. First material ignited appears to be framing material. The cause of the fire is accidental.

Mark Hornberger CFPS  
Fire Inspector, Meridian Fire Department



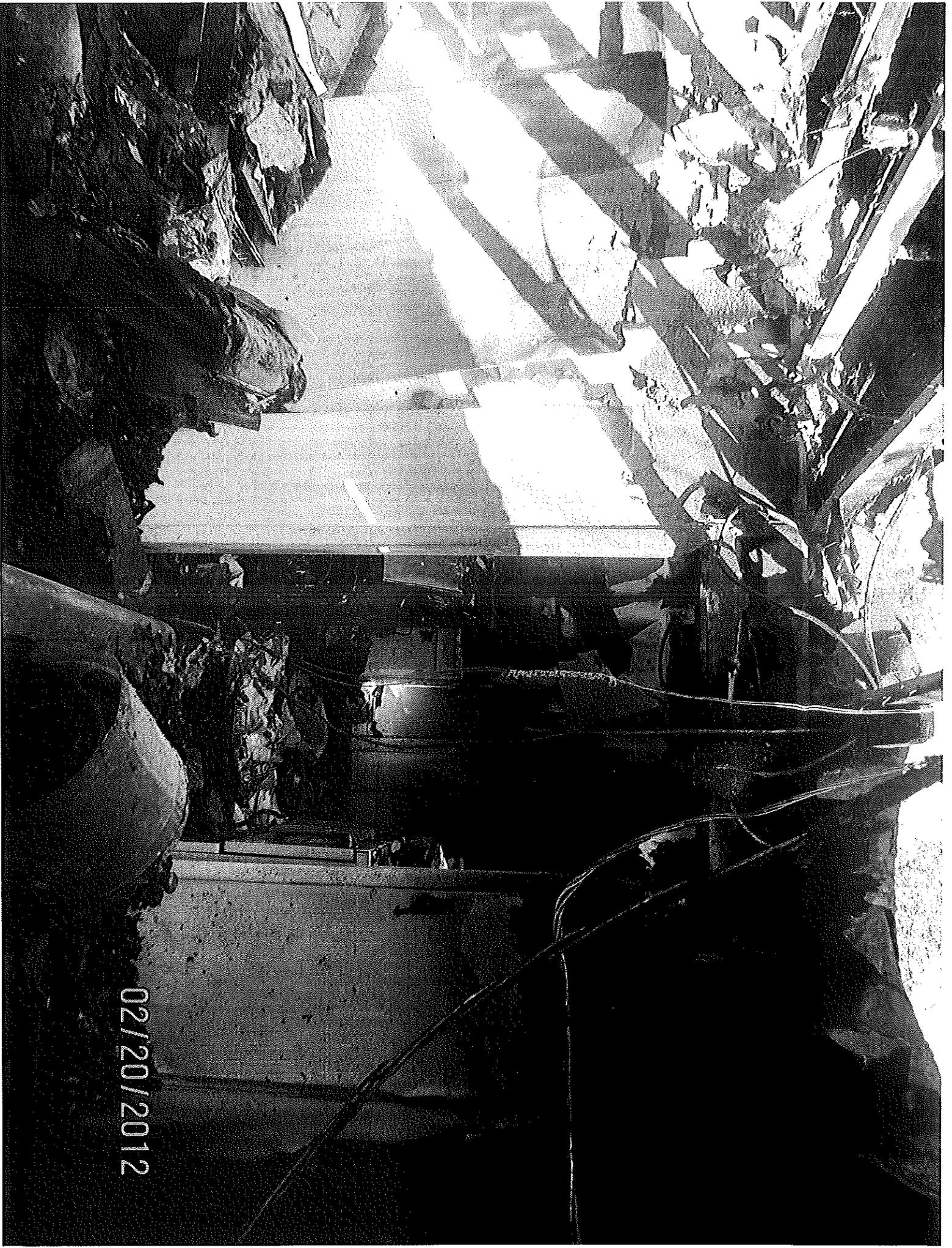
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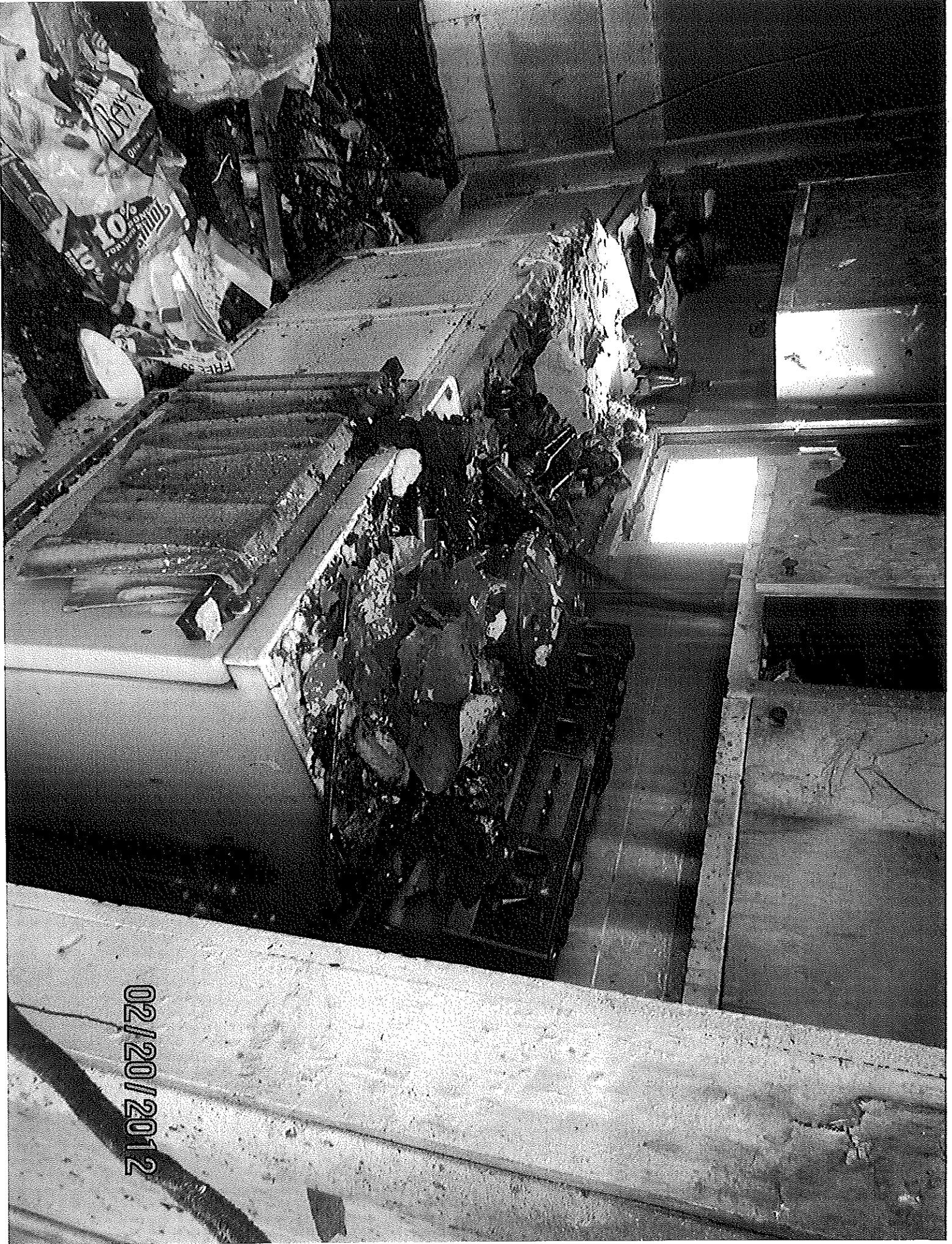
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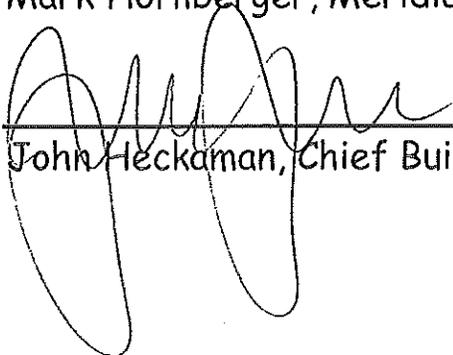
02/20/2012

AFFIDAVIT

The property located at 8752 Coleman Road was inspected on 20 FEB 2012 by the persons listed below. After the inspection of the single-family dwelling, it was determined the damage to the structure from the fire that occurred on February 19, 2012 made the structure uninhabitable and therefore the dwelling is considered destroyed.



Mark Hornberger, Meridian Township Fire Inspector



John Heckaman, Chief Building Inspector

26 SEPT 2013

Sworn to and subscribed before me this 26<sup>th</sup> day of September, 2013.



CAROL L. LOWE  
NOTARY PUBLIC-STATE OF MICHIGAN  
COUNTY OF INGHAM  
My Commission Expires Oct. 12, 2013

Acting in Ingham

# CHARTER TOWNSHIP OF MERIDIAN

Susan McGillicuddy      Supervisor  
Mary M.G. Helmbrecht      Clerk  
Julie Brixie      Treasurer  
Gerald J. Richards      Manager



Brett Dreyfus      Trustee  
Elizabeth Ann LeGoff      Trustee  
Lynn Ochberg      Trustee  
John Veenstra      Trustee

August 17, 2012

Gabe & Joan Blosser  
9349 Coleman Road  
Haslett, mi 48840

**RE: 8754 Coleman Road  
Building Permit Application**

Dear Mr. & Mrs. Blosser:

This letter is in regards to the recent building permit application that was submitted to repair the fire damage to the house at 8754 Coleman Road. The zoning of the property is RR (Rural Residential) which allows for single family dwellings. Section 86-368 of the Code of Ordinances states a single family dwelling is a use permitted by right in the RR zoning district provided there shall not be more than one dwelling unit upon each lot. There are currently two other houses (8730 and 8752 Coleman Road) located on this property (33-02-02-02-226-003.) Having more than one dwelling on the property is a violation of the Code of Ordinances. Section 86-619 of the Code of Ordinances deals with the nonconforming use of structures and land and per Section 86-619(6) states:

*If a structure or structure and land in combination devoted to a nonconforming use is removed or destroyed the nonconforming use shall not be reestablished and the land shall be used in conformance with this chapter.*

Since the house was destroyed by the fire and the ordinance does not allow for the nonconforming use to be reestablished the building permit application to repair the house cannot be approved. If you have any questions or would like to meet to discuss this matter, please contact me.

Sincerely,

Mark Kieselbach (517) 853-4508  
Director of Community Planning and Development

cc: Gerald Richards  
John Heckaman  
Peter Teholiz

G:\PLANNING\Carol\Mark\Letters\Blosser 8754 Coleman.docx

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Brett Dreyfus            Clerk  
Julie Brixie              Treasurer  
Gerald J. Richards      Manager



Milton Scales            Trustee  
Ronald Styka            Trustee  
John Veenstra           Trustee  
Angela Wilson          Trustee

January 17, 2013

J Laurie Blosser  
9349 Coleman Rd.  
Haslett, MI 48840

**Re: 8754 Coleman Road**

Dear Ms. Blosser:

This letter is in response to your letter of January 4, 2013 regarding the appeal of a Township Official decision on the issuance of a building permit for 8754 Coleman Road. Section 86-187 of the Township Code of Ordinances outlines the procedure that must be followed to appeal a decision made by the Director of Community Planning and Development. Specifically Section 86-187(1)a. states:

*Sec. 86-187. - Appeals to the zoning board of appeals of decisions made by the director of community planning and development or administrative official.*

*Except for decisions regarding special use permits and planned unit development decisions, an aggrieved person, officer, department, board, or bureau of state government may appeal any administrative order or decision of the director of community planning and development or administrative official charged with enforcement of the zoning ordinance to the zoning board of appeals. Appeals shall be made in accordance with the following procedures:*

*(1) Procedures.*

- a. Notice of appeal. A notice of appeal is a written statement specifying the grounds for appeal, the date of the decision, and supporting materials related to the decision. A notice of appeal must be filed with the department of community planning and development within ten days of the date of the decision of the director of community planning and development.*

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Ms. Blosser  
January 17, 2013  
Page 2

The reasons for the decision not to approve a building permit were provided to you in my letter dated August 17, 2012. To appeal the director's decision the appeal should have been filed on or before August 27, 2012. The Code of Ordinances does not allow for an exception to the time period for the filing of an appeal. Since the appeal was not submitted until January 4, 2013 it cannot be considered a valid appeal.

If you have any questions regarding this matter, please contact me.

Sincerely,



Mark Kieselbach (517) 853-4506  
Director of Community Planning and Development

cc: Gerald Richards, Township Manager  
Peter Teholiz, Hubbard Fox

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# CHARTER TOWNSHIP OF MERIDIAN

Elizabeth Ann LeGoff    Supervisor  
Brett Dreyfus            Clerk  
Julie Brixie              Treasurer  
Gerald J. Richards      Manager



Milton Scales            Trustee  
Ronald Styka            Trustee  
John Veenstra           Trustee  
Angela Wilson          Trustee

February 7, 2013

J Laurie Blosser  
9349 Coleman Rd.  
Haslett, MI 48840

**Re: 8754 Coleman Road**

Dear Ms. Blosser:

As indicated in my letter of January 17, 2013 to appeal the decision of the Director of Community Planning and Development the appeal must be made within ten days of the date of the decision. That decision was issued on August 17, 2012 so the appeal needed to be filed on or before August 27, 2012. The Code of Ordinances does not allow for an exception to the time period for the filing of an appeal. Further, you failed to remit the required \$200 filing fee. Your request for an appeal is untimely.

Even if the zoning issue—the nonconforming use of the land—was resolved, a building permit could not be issued. The previously submitted building permit application was incomplete. The following items need to be submitted to deem the application complete:

1. Truss diagrams from the manufacturer including information on span, load and bracing.
2. Worksheet to show compliance with Michigan Uniform Energy Code.
3. Complete building drawings (2 sets) showing:
  - Wall sections
  - Header details
  - Footing details both existing and proposed including load bearing points.
  - Complete floor plan showing the dimensions of each room and the use of each labeled on the plan.
4. Permit fee based on the total cost of construction which includes all material, fixtures and equipment needed to make the structure habitable.

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Ms. Blosser  
February 7, 2013  
Page 2

The staff will not process or review a building permit application that is not deemed complete. Please contact me should you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Mark Kieselbach".

Mark Kieselbach (517) 853-4506  
Director of Community Planning and Development

cc: Gerald Richards, Township Manager  
Peter Teholiz, Hubbard Law

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# THE HUBBARD LAW FIRM, P.C.

MICHAEL G. WOODWORTH  
DONALD B. LAWRENCE, JR.  
PETER A. TEHOLIZ  
ANDRIA M. DITSCHMAN  
KRISTIN D. ARNETT  
MATTHEW J. HEOS

5801 WEST MICHIGAN AVENUE  
P.O. BOX 80857  
LANSING, MICHIGAN 48908-0857  
TELEPHONE (517) 886-7176  
FACSIMILE (517) 886-1080

WWW.HUBBARDLAW.COM

HARRY D. HUBBARD (1895-1983)  
DONALD G. FOX (1910-1992)  
JONATHAN R. WHITE (1942-1996)  
ALLISON K. THOMAS (1914-2005)  
GEOFFREY H. SEIDLEIN (1954-2008)

June 18, 2013

Gabe & Joan Blosser  
9349 Coleman Rd.  
Haslett, MI 48840

**Re: 8754 Coleman Road**

Dear Mr. and Mrs. Blosser:

I represent the Charter Township of Meridian and am writing to you regarding your most recent request to the Township Manager, Frank Walsh, for the Township to reconsider your request to repair the fire damage to the house at 8754 Coleman Road.

As stated in Mark Kieselbach's previous letters to you on August 17, 2012, January 17, 2013 and February 2, 2013, your property is considered a nonconforming use due to three dwellings being located on one property and, therefore, pursuant to the Township's Code of Ordinances' limitations on reestablishment of nonconforming uses, rebuilding the third house, is prohibited. This decision, which was made by Mark Kieselbach in writing on August 17, 2012, was appealable to the Zoning Board of Appeals, only until August 27, 2012. There is no exception to this time for an appeal.

As outlined in Mark Kieselbach's letter of February 7, 2013, which is attached, you may however, request to rebuild the dwelling by applying for a building permit, which would then start the process over and allow you another 10 days to appeal a denial made by Mark Kieselbach to the Zoning Board of Appeals. This requires you to submit the request to rebuild, including the request for a building permit, in writing along with the items listed below. The application will not be processed until it is complete which includes the permit fee described in 4 below:

1. Truss diagrams from the manufacturer including information on span, load and bracing.
2. Worksheet to show compliance with Michigan Uniform Energy Code.
3. Complete building drawings (2 sets) showing:
  - Wall sections
  - Header details
  - Footing details both existing and proposed including load bearing points.

- Complete floor plan showing the dimensions and use of each room labeled on the plan.
4. Permit fee based on the total cost of construction which includes all material, fixtures and equipment needed to make the structure habitable.

If your request is denied, then you will again have ten days from the date of the denial to submit a written statement specifying your grounds for an appeal, and supporting materials, along with the fee for an appeal of \$200.00 to the Department of Community Planning and Development.

In addition, you have the option of filing a request for an interpretation of the Nonconforming Uses and Structures of Land provisions of the Code of Ordinances to the Zoning Board of Appeals. Specifically, you may want to have the Board determine which section of the nonconforming provisions is applicable to your situation and what the term "destroyed" as used in 86-819(6) means. This process requires an application which is available at the Department of Community and Development and an application fee of \$450.00. If the Zoning Board of Appeals were to interpret the ordinance in your favor then you would need to apply for a building permit.

This is the Township's final direction on this matter unless or until you refile as explained above.

Sincerely,

THE HUBBARD LAW FIRM, P.C

*Andria M. Ditschman*

Andria M. Ditschman *ip*

AMD/jp

Enclosure

cc/w/encl:

Frank Walsh, Township Manager

Mark Kieselbach, Director of Community Planning and Development

# CHARTER TOWNSHIP OF MERIDIAN

Elizabeth Ann LeGoff      Supervisor  
Brett Dreyfus              Clerk  
Julie Brixie                 Treasurer  
Frank L. Walsh              Manager



Milton L. Scales              Trustee  
Ronald J. Styka              Trustee  
John Veenstra                Trustee  
Angela Wilson                Trustee

July 31, 2013

Joan (Laurie) Blosser  
9349 Coleman Road  
Haslett, mi 48840

**RE: 8752 Coleman Road  
Building Permit Application**

Dear Ms. Blosser:

This letter is in regards to the building permit application submitted to the Township on July 26, 2013 to repair the fire damage to the house at 8752 Coleman Road. The zoning of the property is RR (Rural Residential) which allows for single family dwellings. Section 86-368 of the Code of Ordinances states a single family dwelling is a use permitted by right in the RR zoning district provided there shall not be more than one dwelling unit upon each lot. There are currently two other houses (8730 and 8754 Coleman Road) located on this property (33-02-02-02-226-003.) Having more than one dwelling on the property is a violation of the Code of Ordinances. Section 86-619 of the Code of Ordinances deals with the nonconforming use of structures and land and per Section 86-619(6) states:

*If a structure or structure and land in combination devoted to a nonconforming use is removed or destroyed the nonconforming use shall not be reestablished and the land shall be used in conformance with this chapter.*

You indicated in your letter of July 26, 2013 you were entitled to repair the house because it was less than 50 percent of the replacement cost of the house per Section 86-618(3) of the Code of Ordinances, this section however is not applicable as it is the use of the land with the three structures that is nonconforming. Section 86-620(a) deals with the repair and maintenance of a structure devoted to nonconforming use. This section of the Code of Ordinances limits repairs to correcting deterioration, wear or replacement of nonbearing walls which is not the case in this situation. Since the ordinance does not allow for the nonconforming use to be reestablished the building permit application to repair the house cannot be approved.

A person aggrieved by the decision of the Director of Community Planning and Development may appeal the decision to the Zoning Board of Appeals by filing a notice of appeal and a fee of



Ms. Blosser  
Coleman Road  
July 31, 2013

\$200.00. A notice of appeal is a written statement specifying the grounds for appeal, the date of the decision, and supporting materials related to the decision. A notice of appeal must be filed with the Department of Community Planning and Development within ten days of the date of the decision of the Director of Community Planning and Development. For this case it is ten days from the date of the letter.

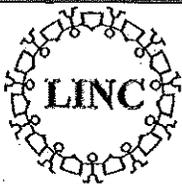
If you have any questions regarding this matter, please contact me.

Sincerely,



Mark Kieselbach (517) 853-4506  
Director of Community Planning and Development

Cc: Frank Walsh  
Andria Ditschman



# LIAISON FOR INTER-NEIGHBORHOOD COOPERATION



A MERIDIAN TOWNSHIP FEDERATED HOMEOWNER ASSOCIATION

P.O. Box 40 • Okemos, Michigan 48805

September 26, 2013

Meridian Township Zoning Board of Appeals  
5151 Marsh Road  
Okemos, Michigan 48864

Dear Meridian Township Zoning Board of Appeals,

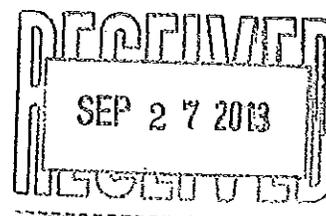
At the April 18, 2013 meeting of the LINC Board of Directors, an incident was reported to our Board concerning a township resident (Laurie Blosser), and her inability to obtain approval to repair fire damage to a dwelling on her property in Meridian Township. At the September 19, 2013 meeting, the LINC Board voted unanimously to send a letter supporting Ms. Blosser's appeal of the Director's decision to deny a building permit to repair her fire-damaged structure. We believe Ms. Blosser should be granted a building permit to repair the structure based on the following facts.

1. The building permit was denied based on the Director's interpretation of Section 86-619(6), which states: "*If a structure or structure and land in combination devoted to a nonconforming use is removed or destroyed the nonconforming use shall not be reestablished and the land shall be used in conformance with this chapter.*" Section 86-2 (Definitions) does not provide a definition of "destroyed", and absent this definition the Zoning Board of Appeals should apply the common usage standard in determining whether the structure has been "destroyed". The Merriam-Webster Dictionary defines "destroy" as: "*to cause (something) to end or no longer exist : to cause the destruction of (something) : to damage (something) so badly that it cannot be repaired.*" **Ms. Blosser has provided clear documentation and evidence that the structure was not "destroyed."** More accurately, the structure sustained **repairable** damage to only a portion of it.
2. The damage to the structure would have been far less had the 911 dispatcher correctly called the Meridian Township Fire Department to extinguish the fire (which could have arrived in about six minutes) rather than the Bath Volunteer Fire Department (which required 20 minutes of travel time). **For this reason we believe that in this unfortunate circumstance, Ms. Blosser should receive special consideration and a more compassionate response by our township officials.** She has already provided documentation that less than 50% of the structure was involved in the fire and that it is repairable.
3. Although Ms. Blosser attempted to apply for a building permit in a timely manner, her desire to repair the structure was further complicated and hampered by Manager Richards when she first applied for a building permit. This was followed by additional delays due to the Planning Director's misinterpretation of confusing language in our Code of Ordinances. **Therefore, it would not be fair to deny a building permit due to the unnecessary delays by township officials despite her attempts to follow proper procedures.**

**For all of the above reasons we believe that a favorable ruling from the Zoning Board of Appeals is in order.**

Yours for a better community,

Eckhart Dersch  
President





# LIAISON FOR INTER-NEIGHBORHOOD COOPERATION



A MERIDIAN TOWNSHIP FEDERATED HOMEOWNER ASSOCIATION

P.O. Box 40 • Okemos, Michigan 48805

September 26, 2013

To: Meridian Township Zoning Board of Appeals

RE: Ordinance on Nonconforming Uses and Nonconforming Structures

Dear Meridian Township Zoning Board of Appeals,

We believe that Ms. Blosser's unfortunate situation with respect to her attempts to repair a partially burned structure brought to light several problems in the Meridian Township Code of Ordinances that govern the disposition of nonconforming uses and nonconforming structures. The most obvious is the lack of a definition for the term "destroyed". In addition, Section 86-618(3) states: "*If a nonconforming structure is destroyed by any means to an extent of more than 50 percent of its replacement costs, exclusive of the foundation, it may be reconstructed only in conformity with the provisions of this chapter.*" and Section 86-619(5) states: "*When a nonconforming use of a structure or structure and land in combination is discontinued or ceases to exist for three consecutive months, or for nine months during any three-year period, the structure or structure and land in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located.*"

LINC believes that the above provisions place an undue hardship on landowners whose nonconforming uses and/or structures are damaged as a result of circumstances beyond their control by unreasonably limiting the extent of allowable repairs and the time frame in which to begin such repairs. We have summarized the regulations from several jurisdictions near Meridian Township in the following table:

Jurisdiction	Time	\$ Amount
Alaiedon Twp.	180 days	50% of appraised value
Aurelius Twp.	1 year	60% of twice the assessed value
Bath Twp.	90 days*	50% of assessed value
Delhi Twp.	1 year	85% of real evaluation
East Lansing	1 year	Restoration to pre-damaged state
Lansing	1 year	50% of pre-damage fair market value
Locke Twp.	180 days	50% of replacement value
Vevay Twp.	1 year	60% of replacement value
Watertown Twp.	1 year	75% of replacement value
Williamston	1 year*	Restoration to pre-damaged state

\* May be appealed to ZBA for extension

Although it is stated in the Code (Section 86-616(b)) that the provisions are intended "*to permit legal nonconforming lots, structures, or uses to continue until they are removed or abandoned but not to encourage their continuance*", the current provisions regarding the grace period for the initiation of reconstruction and the limitation on the maximum value of reconstruction that can be performed, seem to actively **discourage** property owners from rehabilitating structures, particularly those damaged through events beyond the control of the property owner.

Therefore, the LINC Board of Directors requests the assistance of the ZBA in recommending to the Township Board of Trustees that amendments to the Code of Ordinances be initiated to increase the grace period for reconstruction to 1 year and that reconstruction be allowed to restore a structure to its pre-damaged state.

Yours for a better community,

Eckhart Dersch  
President

